

FAMILY PRESERVATION VS. CHILD SAFETY: THE INDIAN DILEMMA

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ABSTRACT

In India, the intricate and sensitive task of reconciling child safety with family preservation presents a complex challenge; this abstract provides an in-depth overview of said issue. Furthermore, it delivers suggestions for improving future child protection measures within the country, underscoring both its importance and urgency.

India's rich cultural heritage underscores the importance of preserving familial ties, yet it intersects with concerns about child protection, a profound and continually evolving issue. The Juvenile Justice Act of India stands as an instrumental legal framework; its mission is to navigate this complex terrain in pursuit of harmony between family unity preservation, particularly valued by Indian culture, and the undeniable mandate for ensuring children's safety and well-being.

The essay delves into a variety of potential solutions, including strengthening family support services, implementing trauma-informed care, promoting alternative dispute resolution, and fostering multi-disciplinary collaboration. Moreover, it explores further strategies such as conducting child safety audits, advocating for transparent decision-making processes, and offering cultural competence training. Additionally, the "best interests of the child" standard is upheld, drawing lessons from international practices to strike an effective balance.

Concluding with a comprehensive set of recommendations, the essay outlines future possibilities for child protection in India. The proposals range widely; they advocate policy reforms that prioritize children's best interests; call for increased funding to strengthen resources available to child protection services; urge multi-agency collaboration leveraging the expertise of various stakeholders; promote community engagement to enhance awareness and

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foster responsibility towards kids' well-being; and encourage child participation by empowering them to make decisions affecting their lives. Additionally, there are calls for regular case audits, which could instigate evidence-backed changes in policies and trauma-informed strategies aimed at better accommodating the devastating impact trauma can have on children as well as creating safe environments through child-friendly facilities. Lastly, interventions need cultural sensitivity, which is a must when respecting India's diverse culture during implementation is considered crucial.

The essay underlines the crucial point: advocating for enhanced child protection measures is not a solitary task; rather, it's a collective endeavor that requires participation from all members of society. Our roles extend to raising awareness, supporting organizations focused on child protection, backing funding initiatives, staying informed, and reporting concerns. Through community-wide acceptance of these recommendations, India harbors the potential to shape an ideal future where every single child flourishes devoid of any harm, with family values coexisting in harmony with children's safety at its core.

INTRODUCTION

The issue of balancing family preservation with child safety poses a complex dilemma in India. Indian society places great importance on preserving the unity of families, while also recognizing the crucial need to prioritize child safety and well-being. This article aims to thoroughly examine this dilemma, delving into its various aspects, and propose potential solutions that achieve a harmonious equilibrium between these two essential concerns.

UNDERSTANDING THE INDIAN CONTEXT

India places a significant emphasis on preserving the family, which is deeply ingrained in cultural and societal norms. The family unit is revered as the foundation of society, while the extended family plays an indispensable role in offering both emotional and financial support.

The bond between children and their families holds a sacred value, hence reinforcing the inclination towards family preservation.

In many Indian communities, it is a common practice for multiple generations to re-side together in one household, fostering a strong sense of community and belonging. The elderly play a vital role in nurturing children by imparting cherished customs, core values, and invaluable wisdom. This deeply embedded cultural framework presents formidable challenges when contemplating the removal of a child from their family, even in situations involving abuse or neglect.

STRENGTHS OF FAMILY PRESERVATION

Family preservation offers several benefits that contribute to the well-being of children. One notable advantage is its ability to uphold children's cultural connections. When children grow up within their original family, they are more likely to develop a strong sense of identity and belonging for their culture.

In a diverse country like India, where cultural diversity and traditions are deeply rooted, it becomes particularly essential. Additionally, the emotional bonds that children form with their family members serve as another strength of family preservation. These bonds offer the child a sense of security, love, and stability, thereby positively influencing their overall development.

A study conducted by Winokur, Holtan, and Batchelder in 2014 discovered that children in kinship foster care demonstrate greater positive behavioral development, improved mental health, and increased placement stability compared to their counterparts in Nonkin foster care.

CHALLENGES AND CRITICISMS

Although family preservation has many strengths, it faces challenges and criticisms. Some critics argue that an excessive focus on preserving the family unit may jeopardize the safety

and well-being of children. Unfortunately, there have been reports and incidents where children were returned to abusive or neglectful environments as a result of prioritizing family preservation over child protection.

To shed light on this issue, the Indian National Crime Records Bureau (NCRB) reveals alarming statistics: a child is sexually abused every 15 minutes, with 53% of these cases involving report abuse by a parent, relative or school teacher

"The study titled 'Damodaran DK, Paul VK. Patterning/clustering of adverse childhood experiences (ACEs): the Indian scenario' collected data on ACEs, specifically focusing on child maltreatment among young people residing in Kerala, South India. According to the findings, 91% of the 600 participants reported experiencing at least one ACE, while more than half of the population reported three or more ACEs.

LEGAL FRAMEWORK AND CHILD RIGHTS

In India, the legal framework addressing child welfare is primarily governed by the Juvenile Justice Act, 2015.

This act aims to find a middle ground between preserving family bonds while ensuring the safety of children. It places the best interests of the child as a priority, emphasizing the crucial need to protect, nurture, and rehabilitate young individuals involved in legal conflicts within an environment designed with their well-being in mind.

The act notably introduced a range of provisions like Preliminary Assessment(sec.12), Inquiry by the JJB(sec.14), Restoration and Rehabilitation(sec.15), Adoption(sec.39), Foster Care(sec.40), Aftercare(sec.42), Rehabilitation and Reintegration (Sec 43, 52, 53), Preventive Measures (Chapter III) all geared towards safeguarding children's rights.

One critical aspect of the Act is the establishment of Child Welfare Committees (CWCs) at the district level. CWCs play a pivotal role in assessing the safety and well-being of children, making recommendations, and overseeing their care when necessary.

CASE STUDIES AND EXAMPLES

In India, several high-profile cases have showcased the challenging dilemma between preserving families and ensuring child safety. One of these notable cases is the infamous *Nithari serial killings* that unfolded in Noida back in 2006. This case vividly illustrates the delicate balance required when considering family preservation and prioritizing the well-being of children. Initially, when human remains were discovered near Moninder Singh Pandher's residence, there was an alarming indifference that revealed a disturbing conflict between maintaining family unity and safeguarding children. As the investigation progressed, both Pandher and his servant, Surinder Koli, were apprehended, uncovering a horrifying pattern encompassing serial murders and sexual assaults.

The Nithari case showcased a clear tension between the importance of preserving families and ensuring the safety of vulnerable children. The alarming abuse and killings exposed a glaring failure in safeguarding these innocent lives. It is essential that social workers and authorities conduct meticulous risk assessments and intervene promptly to remove children from harmful environments. Balancing the well-being of families with the protection of children poses a complex challenge, necessitating comprehensive training, sufficient resources, and an unwavering commitment to their welfare, particularly for those from marginalized backgrounds.

This heartbreaking case serves as a poignant reminder of the utmost priority we must place on child safety and well-being, prioritizing them even over other considerations when there is undeniable evidence of abuse or neglect.

BALANCING ACT: POTENTIAL SOLUTIONS

In the intricate realm of child protection in India, finding the right balance between preserving families and ensuring children's safety presents an immense challenge. This delicate tightrope calls for a careful evaluation of strategies and initiatives to tackle the criticisms and obstacles tied to this enduring dilemma. Now, let us explore some potential solutions:

1. *Strengthening Family Support Services:*

One effective approach to achieving balance- between family pre-servation and child safety is by strengthening support services for families. By addressing the underlying causes of child abuse- or neglect, such as poverty, substance- abuse, or mental health issue-s, families can be better equipped to create- a secure and nurturing environme-nt for their children. Programs that provide counse-ling, parenting classes, and vocational training have the- potential to empower pare-nts and caregivers, which ultimately be-nefits the well-be-ing of children.

2. *Trauma-Informed Care:*

In navigating the de-licate balance, it is pivotal to understand and re-pond to the trauma experie-nced by both children and parents. Enhancing the- capacity of child protective workers through trauma-informe-d care training allows them to provide e-mpathetic and effective- support. By embedding trauma-informed approache-s within family interventions, the scars of the- past can be acknowledged and addre-ssed.

3. *Alternative Dispute Resolution (ADR):*

The implementation of Alternative Dispute- Resolution methods, like me-diation, provides an opportunity to resolve family conflicts while- addressing issues of abuse or ne-glect. The primary focus in this process should be to ensure the safety and well-being of the child above all else. It is crucial that ADR prioritizes safe-guarding the welfare of the child and strives to keep families intact.

4. *Multi-Disciplinary Teams:*

Collaboration among diverse teams from various disciplines has the potential to revolutionize outcomes. When child protective workers, healthcare professionals, mental health experts, and legal re-presentatives come together, they offer a comprehensive evaluation of family situations. Leveraging their colle-ctive expertise-, these teams craft individualize-d intervention plans tailored to address each family's unique require-ments.

5. *Child Safety Audits:*

Regular safety audits are essential for home-s and families involved in child protection cases. These audits conducted dilige-ntly and with sensitivity, take a proactive approach to ensure the

implementation of necessary safety measures. By informing decisions about family preservation, these audits demonstrate an unwavering commitment to safeguarding children.

6. Best Interests of the Child Standard:

Non-negotiable, we must uphold the standard of "best interest of the child" as our guiding principle in every decision regarding child protection; meticulous consideration for each child's unique circumstances and needs is paramount. Ensuring their safety and well-being should be at the forefront. It should guide all decisions made on behalf of children.

7. Lessons from International Practices:

International best practices offer valuable insights and guidance, which can assist in adapting family-centered approaches to the Indian context; moreover, by implementing these strategies and initiatives drawing on international experience, we could enable India to strike a balance between preserving families and ensuring child safety.

For instance, particular methods that are adaptable within an Indian context include:

- A. Sweden offers extensive parenting programs that equip parents with vital skills and knowledge, including constructive discipline, communication, and stress management. India has the ability to develop such parenting efforts; however, it is vital that they be culturally adapted and accessible in regional languages, thereby reaching a wider audience.
- B. Regular audits and reviews of child protection cases are undertaken by Canada to measure the success of interventions; these audits give data-driven insights that inspire policy adjustments and improvements. Similarly, India might build a mechanism for periodic case evaluations, employing data analytics to discover patterns, gaps, and areas demanding improvement.
- C. Through child advisory boards and councils, Norway supports child engagement, which allows children to communicate their perspectives and preferences on issues that touch their lives. Similarly, India should enhance kid participation by implementing equivalent systems whereby integrating the viewpoints of children into decision-making processes becomes vital.

Child Protective Services may plan a successful, child-centered route across the distinctive environment of India by studying worldwide best practices; however, they must tailor them to fit Indian situations. This effort aims to protect the future of our children, a key national objective that is certain to be necessary for long-term prosperity and stability.

GENERAL PUBLIC'S ROLE IN ADVOCACY

Advocating for improved child protection measures is not solely the responsibility of policymakers or child protective services. It is a collective effort that involves each member of society. Ponder over your role in such advocacy:

1. **Raise Awareness:** Within your community, actively propagate understanding about child protection issues; engage yourself in conversations that not only de-stigmatize reporting but also underscore the paramount importance of child safety.
2. **Support NGOs:** Consider contributing to, or volunteering with, non-governmental organizations that dedicate themselves to child protection; these establishments often serve a critical role by providing direct support and advocating for children in need.
3. **Advocate for Funding:** Appeal for augmented financial support of child protection services at local, state, and national levels; engage directly with policymakers; and insist that the safety of children remains a top priority.
4. **Stay Informed:** keep abreast of developments in child protection policies and practices. vigorously advocate for the adoption of evidence-based decision-making that prioritizes children's well-being in all policy considerations.
5. **Report Concerns:** Should you suspect child abuse or neglect, report your concerns immediately to the appropriate authorities. Your vigilance, indeed, could make a significant difference; it might save a child's life.

CONCLUSION

The Juvenile Justice Act, embodying India's legal framework, underscores the significance of harmonizing child safety with family preservation; it emphasizes equilibrium. At the vanguard of navigating this quandary are child protective services, which strive to make judicious decisions that not only ensure children's welfare but also respect cultural values.

Concluding this discussion necessitates an acknowledgment that finding the right balance is a never-ending process. It's essential for stakeholders to engage in continued dialogue, conduct ongoing research, and collaborate continually; these steps address the complexities of this issue with utmost precision. Ultimately, even as we honor family preservation and cultural diversity, ensuring children's safety and well-being must remain our paramount concern.

Child protection in India is an endeavor that cannot be universally applied; it warrants scrupulous consideration, empathy, and a dedication to the child's all-encompassing development. The dilemma between family preservation and child safety serves as a reminder. Every Indian child must grow up in an environment that nurtures them, guarantees their safety, and contributes positively to their growth.

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