

Draft: **Law to protect helpless children/orphans in Orphan houses and helpless women in protected places- PATH Law/Act**

- 1) This Law/Act would be called: Protected abode to helpless- PATH
- 2) The objective of this Law is 'Tracking and Punishing the culprits of abuse in orphanage and women shelters'
- 3) The Law/Act No.....
- 4) It shall be the responsibility of the government to protect child and helpless women and handicap people from such abuse by anyone against any exploitation physically, torturing, sexually exploiting, terrorizing.
- 5) Government shall establish well protected and fully monitored place under perfect vigil of artificial un-manoeuvrable intelligent system fully automated and computer controlled.
- 6) The place shall be managed by women of established good character for which criteria shall be structured by government and notified publicly. It shall be the responsibility of DH to ensure that women of good character meeting with criteria are only deployed.
- 7) DH shall be wholly responsible to ensure the flawless management of the place
- 8) It would be a dwelling place enclosed from all sides by walls and fencing with entrance on one side. The same gate shall be used for entrance and exit.
- 9) The whole premises except bathrooms and dress changing place shall be covered under 'centralized auto detection and recognition system' CADAR. The adequate number of cameras shall be provided so that at no place and at no angle the person viewed by CADAR remains 'unrecognized'
- 10) The CADAR shall be fed with the photographs of residents and those who are managing, the managers, who need to stay inside and enter/exit frequently. CADAR shall be able to recognize presence of any person and identify based upon data stored already. If CADAR happen to detect a new face/person, it would give alarm to 'manager' who would take action. It would get hold of the person and notify DH. The action taken by manager shall be recorded in CADAR and only after that it would be reset.
- 11) If a new person has to enter, it would not be possible unless he/she is photographed and finger prints scanned. A wrist band identified by CADAR shall be put-on by the 'new entrant'. There shall be two gates to be crossed. The first gate shall open when the person is photographed and finger prints scanned. The person would move in and the first gate shall close. So he/she can't escape. For opening the second gate the person shall have to place hand on a panel so that simultaneously the finger prints and wrist band are read and scanned by CADAR. The second gate opens after that. The wrist band shall track the movement of person inside the building and record wherever it goes.
- 12) The operation of gate shall be perfectly integrated with the CCTV that every opening and closing is photographed in a manner that the person entering or exiting is photographed. Any defect in this shall be auto detected and notified.
- 13) There will be a public domain on which the details regarding entry and exit of any person shall be recorded automatically by entering data.
- 14) The entrance shall be designed to permit only one person entry at one time
- 15) If emergency exit in the building is required as per 'building construction codes' the same shall be provided but with the mechanism of CCTV recording integrated with the opening of gate and recording photographs of all persons moving through. The opening of door shall be

possible only by feeding codes by the manager into CADAR which would permit to operate electronic lock and subsequently opening the padlock to open the door. As soon as the code is fed by the manager, the CCTV recording starts and start sending data to 'cloud server' in addition to CADAR.

- 16) The main server shall be 'cloud server' at a remote location. Data regarding entry/exit at any gate, shall invariably be transmitted to 'cloud server also'.
- 17) DH shall be responsible for checking the building that no entry exit into building is possible at any other place, other than gates mentioned. DH shall be responsible to appoint good character women and assign them identity to be fed into CADAR. There will be authorization permitted by DH personally for recording any data into CADAR
- 18) The staff rooms and rooms of all the managers shall have CCTV coverage. A manager nominated for, shall verify working of CCTV system each day and record.
- 19) If the residences of managers are in campus area shall have CCTV coverage and cover the outside area of residences from all sides
- 20) There would be a unit under District Administration (treating a district as a unit zone) as District Head is the Accountable Government representative. This unit shall be called 'Monitor to Prohibit Child and women Abuse' and the representatives of this unit shall be called 'Monitors and Counsellors' (MAC). MAC shall be a female.
- 21) These MAC shall be allotted such PATH by name and address. It shall be the responsibility of MAC to visit allotted PATH twice a month. It shall be desirable that the MAC are qualified psychologist
- 22) There will be an enclosed earmarked space in the building/ area close towards exit gate. The space shall be designed in consultation with team of psychologists and sociology experts. This space may be termed as 'my friend's space' MFS.
- 23) There will be emergency points in each room and at other places, an easy device like just a push button. This will be pressed by anyone shall give an alarm audio-visual and the manager shall see the location immediately and reach the one who pressed it for urgent help. The manager, if able to manage and convince the resident that the problem is solved, can convince the person to reset which should be possible only by using its ID and figure prints.
- 24) If not reset within 10 minutes the alarm shall get transmitted to DH and in that situation DH representative must reach the place within half an hour to investigate. However, the place of investigations must be fixed with perfect recording facilities and all proceedings must be recorded
- 25) The MAC shall invariably check details of such happenings with manager and discuss with concerned resident in details maintaining details of discussions. The details shall be fed on to CADAR/Cloud before MAC leaves the place.
- 26) During visits, the MAC shall contact all residents. The objective of this meeting will be to transpire confidence and support to the children and women from the government and MAC must be in a position to achieve. The meetings shall be recorded.
- 27) For one PATH, there would be four MAC and two MAC shall visit each time simultaneously. MAC shall remain same minimum for two years so that they build confidence in residents
- 28) MAC shall get predesigned Performa filled up by the residents to analyze their state of mind if anyone having unusual stresses. MAC must spend at least 10 minutes with each individual.

- 29) The MAC shall sit in the MFS and all residents shall come one by one to meet her. The MAC may also go to their rooms in case of women residents but the meeting to be recorded in any case.
- 30) The second phase of MAC visit shall be a space through which the residents shall move. There will be a slip of paper, many copies, placed there and on which name of all from DH, OIG, MGG, DPH, DD, CAALEE officials, managers etc would be written. One box will be for tick marking if resident is being harassed by some other resident or manager. The MAC shall tell all residents that they only have to 'tick mark' on the name of person, if they are facing any abuse from them. Otherwise they would mark 'X' on a box separate and in different colour
- 31) The marking on slip shall be done in a space where face of the resident is visible to MAC but its hand and slip is hidden. MAC shall observe them while they are marking on the slip.
- 32) MAC should build confidence in the resident that on the basis of 'tick mark' no one can identify them and those slips would never be shown to anyone except MAC. MAC must have secured place for safe custody of these documents.
- 33) If any slip received with any tick mark on any slip, it will be the responsibility of MAC for tracing the resident, confidently and talking to him/her. Many alternatives can be worked out to make provisions so that the marking on the slip, if not normal, would get communicated to MAC. Ideally the confidence level in MAC should be so high that the residents would communicate with MAC about any problem they are facing.
- 34) The MAC shall meet all residents in common area briefing about the law/act and objectives of its visit just for few minutes but shall not talk to them. This will be just to have observations about the faculty and staff if anyone of them is looking with different behaviour, shy, hiding face or eyes under the feeling that the name might have been communicated through the slip.
- 35)
- 36) After getting details of the problem being faced by the residents the case shall be build up by DH taking the 'close relations' into confidence and handed over to CAALEE.
- 37) In case the case is going to be against DH, DPH, OIG then MAC shall have the procedure to lodge the details on CADAR (auto registration on 'cloud server') without discussing the same with anyone. It should not be possible for anyone to know the details of MAC who register the case on CADAR/Cloud unless it would be required by JDS and can be 'decoded' after a procedure of computer programming. Discussing the same with someone before making entries on CADAR shall cause an action against MAC.
- 38) In such eventuality, the MAC shall only present the slips and discussions with residents as 'support' and shall not be assigned the status of a 'witness' and shall not be involved in the 'court proceedings'. The slips and recorded discussions shall be considered sufficient by JDS.
- 39) The government shall be directly responsible for the safety of MAC.
- 40)
- 41) The guardians of children shall be urged to tell their children that MAC are their friends and they should feel free with MAC.
- 42) There should be a sealed box under personal control of MAC Placed in the premises near main exit gate accessible to anyone at least 7AM to 8PM with slot through which anyone, an outsider, can slip in their information if they happen to learn from the child or any source. The card/paper shall be dropped in a locker with a slot of suitable size so that the card can be dropped in but cannot be removed. Any information even without details of the 'informer'

shall be given consideration for further action. MAC shall retrieve the papers, documents from the box, check and keep under personal safe custody.

- 43) MAC would also advise the manager and staff to visit and mark on the slip as done by the residents and the MAC shall have its observations about any administrative pressure they may be having
- 44) MAC would make sure that all residents and manager or staff should visit MFS and tick mark the slip. The students and faculty visiting..... shall be assured by MAC and to be properly displayed, that they would not be required to write anything in hand writing which can lead for their identification by other senior faculty. They would only tick mark and MAC should have enough judgement to read the face and behaviour of person.
- 45) There may be technology based means to understand the tick marking done by someone signifying problems being faced by her and may be used. However, it should be completely hidden and no one should come to know about it otherwise residents under the fear of being caught would avoid reporting the harassment.
- 46) It would be the responsibility of MAC, after coming to know about an harassment/abuse, to have report from the child/women and register on the CADAR/Cloud. This would be done invariably before leaving PATH and before discussing with anyone.
- 47) On coming to know by a resident complainant that her complaint has got known to outside world, she shall lodge a complaint direct to DH and DH shall be accountable to give them personal hearing. The resident can use the 'emergency mode' button and would not permit to be reset by manager. The complaint shall be registered and DH shall find out the MAC/person/ staff of its establishment responsible for leaking out the information.
- 48) After MAC makes an entry in CADAR/Cloud regarding problem of the resident after discussing the same with resident, the case must be decided within 3 months. The monitoring shall be done and notifications shall be conveyed to 'Central unit' at national level for the following:
 - (i) MAC report and scanned documents from MAC to be obtained by DH* in 5 working days. DH shall arrange for 'medical examination' by DD for which report shall be made available with DH within 24 hours to the best possible. The notification shall be reset if DH confirms to have obtained
 - (ii) The FCR shall be structured and sent to DPH with MAC report and details of discussions. DPH shall substantiate by adding missing personal identifications, photos etc to complete legal requirements. It would interrogate the culprit and take its statement. However irrespective of its statement, the case shall be submitted to JDS for justice. The notification for having completed this shall come up and to be reset by JDS for having received the case.
- 49) The Laws shall be made that it shall be the responsibility of DH to create evidence, reports and FIR/FCR to start the case and hand over to CAALEE for action against culprit. The JDS shall be free to check the genuineness of recording of discussions of MAC and the resident, but would not ask MAC to appear for witness. It is necessary to ensure this under the laws.
- 50) It will be the responsibility of DH and later DPH to keep identity of the victim totally confidential and put up the case to the court without disclosing identity of the victim.
- 51) The judge should also, to the extent possible, keep the identity of the victim confidential and decide the case within three months.
- 52) If the case is not decided by JD within three months, it would be reviewed by JD if the evidence created by DH are insufficient to prove the case and punish the culprit. If JD

conclude that more evidences are required, it would be advised by JD to DH and the concerned MGG, as senior as possible, as to what more is required and DH would make all MAC and concerned staff aware. MGG shall also advise all DH and MGG at state/ regional basis regarding such requirements, so that no such failure occur further.

- 53)** DH shall critically review the failure of proving the case in the court and be dutiful to workout additional/ new action plan, strategy to avoid repeating such failure.
- 54)** Both success or failure of getting punishment to the culprit, shall be placed on public domain of DH without disclosing name of the victim or culprit.
- 55)** The government shall be proclaimed as 'supporting criminal' if no action taken by government even though the crime still occurring for more than five years.