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# Challenges Faced by Children at Child Care Institutions under the Juvenile Justice (Care and Protection of Children) Act, 2015: A Legal Study

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## ABSTRACT

*Childhood is the most important part of human life. A person's childhood decides what he will do in future. In this way, children are the future of the world. If the children have no family, then it comes to the state to provide equal care and affection to the children as family under the Juvenile Justice (Care and Protection of Children) Act, 2015. The present study is an attempt to find out the factors that lead to a child becoming homeless and coming to child care institutions. Further, the study analysed the rehabilitation measures undertaken by child care institutions to ensure maximum care of children. The study is based on doctrinal research, which used both primary and secondary sources of data and materials. Primary sources like court reports, Acts, government documents etc. have been used, and secondary sources like books, magazine articles, newspaper articles, magazines etc. have been used. The study suggested for active operation of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Juvenile Justice Model Rules 2016.*

## I. INTRODUCTION

Nandita et al. (2018) argued that children are an important section of society, considered to be the future of a nation and ultimately the world. In most cases, the childhood of the children decides the future of the child and nation-building. They are also considered as the prime asset of the country. Tomba (2020) found that children are the most important asset of society, their childhood should be protected and they should be treated with love and affection in their family. Every parent loves their children and wants their children to be successful, but in some cases due to various reasons they are unable to take care of their children and are unable to provide the things that the children need. Children in childhood need special care and attention. The main responsibility of the family is to provide love, care, affection, attention and protection to

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their child and to raise them as a good child and guide them on social values. Home is considered the best place for children to protect themselves. As a result, the family plays an important role in the life of the child. However, there is no family or environment of the family for the holistic development of each child. A large number of children are deprived of parental or family care due to various factors including social, economic and cultural, broken families, poverty and helplessness, single parents, abandoned by parents etc. The moment children become homeless, they start engaging in immoral and criminal activities and they become vulnerable children. Such children should be protected and given love, care and affection like their family. The report (2018), released by the Ministry of Women and Child Development (MWCD), Government of India, has more than 9,500 institutions in the country with more than 3,70,000 resident Children. Under Article 15(3) of the Constitution of India, the state is bound to make special laws for women and children. Based on this Article of the Constitution, the Juvenile Justice (Care and Protection of Children) Act, 2015 was passed to protect such vulnerable children.

## **II. CONCEPTUAL BACKGROUND**

Crime rates among children under the age of 16 have increased over the past few decades. This may be due to the child's parenting environment, economic status, lack of education and parental care. Nowadays they are used as a tool to commit crimes because they can be easily manipulated. To protect such children, India passed the Juvenile Justice (Care and Protection of Children) Act, 2000. The purpose is mentioned in the Preamble as “to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment”. But the Act faced several challenges in relation to its implementation in 2012 when the infamous 2012 Delhi gang rape incident (known as the Nirbhaya case) took place. In this case, one of the accused was a few months less than 18 years of age, so he was tried as a juvenile. He was sent to a child rehabilitation centre for three years and was finally released in December 2015. It is an injustice to the rape victim that for a few days the accused of such a heinous crime was released. Therefore, there was a demand of the public at that time that the age of the juvenile should be reduced from 18 years to 16 years.

Then in 2015, the Indian Parliament passed **the Juvenile Justice (Care and Protection of Children) Act, 2015**. The objective of the Act is in the Preamble “to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of

care and protection by catering to their basic needs through *proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach* in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, herein under and for matters connected therewith or incidental thereto”.

Apart from these, the Constitution of India confers on the State the powers and performs duties under clauses (3) of Article 15, clauses (e) and (f) of Article 39, Article 45 and Article 47, ensuring that all needs of Children are met and their fundamental human rights are fully protected. It was also an obligation as the Government of India ratified the General Assembly of the United Nations Convention on the Rights of the Child on 11 December 1992, which established a set of guidelines for all States Parties to protect the best interests of the children. The Juvenile Justice (Care and Protection of Children) Act, 2000 was to be re-enacted to make full provisions for children in conflict with the law and children in need of care and protection. Taking into account the standards set out in the Convention on the Rights of the Child, 1989, United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules), United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990), The Hague Convention on the Protection of Children and Cooperation with respect to Inter-country Adoption (1993), and other relevant international documents.

JJ Act 2015 basically protects two types of children -

1. Children have been charged or found to be in conflict with the law and
2. Children in need of care and protection.

Under Section-2(13) of the Juvenile Justice (Care and Protection of Children) Act 2015, 'child in conflict with law' means a child who has been charged or has committed an offence and who has not attained majority (the age of eighteen years) on the date of commission of the such offence. According to UNICEF (2022), the term 'child in conflict with the law' refers to any person under the age of 18 who has come into contact with the justice system to commit a crime or is suspected of committing a crime. Most of the children in conflict with the law have committed minor offenses such as trespassing, delinquency, begging, or consuming alcohol, but there are some who have committed serious crimes like murder or sexual assault. Some children are put to crime by adults, knowing that the children will get away with lenient punishment.

Child Hub (2022) refers to any person under the age of 18 who comes into contact with the justice system as a result of suspicion or charge of a crime. Adults have also been known to use or coerce some children to engage in criminal behaviour. Prejudice on the basis of race,

ethnicity, or social and economic class can often cause a child to come into conflict with the law, even when no crime has been committed, or result in harsh treatment by law enforcement officers.

Children in need of care and protection mean children who have no one to look after and protect. Children found without a home, children found to be working contrary to law, and children found to be mentally or physically ill and have no one to look after them (Section 2(14) of the JJ Act, 2015).

### **Operational Definition**

**Child:** Section 2(12) of the JJ Act, 2015 defines a child as a young person of any gender. "Child" means a person who has not completed the age of eighteen years.

**Child Care Institution:** In section 2(21) of the JJ Act, 2015 includes providing children home, open shelter, observation home, special home, safety place, specialized adoption agency and suitable facility who need such services.

**Children Home:** Under section 2(19) of the JJ Act, 2015, it means a Children's Home, established or maintained, in each district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organization, and is registered as such for the purposes specified in section 50 of the Act.

**Observation Home:** Section 2(40) of the JJ Act, 2015 defines it as an observation home established and maintained in each district or group of districts by a State Government, either by itself or by a voluntary or non-governmental organization, and as such is registered for the purposes specified in sub-section (1) of section 47 of the Act, which shall be registered under section 41 of this Act, for the temporary reception, care and rehabilitation of any child accused of contravention of law, pending any inquiry under this Act.

**Special Home:** Under section 2(56) of the JJ Act, 2015, it means an institution established by the State Government or a voluntary or non-governmental organization registered under section 48 of the Act for providing housing and rehabilitation services to children in conflict with the law, who are found to have committed an offence through investigation and are referred to such institution by an order of the Board.

### **Objectives and approaches of CCIs**

CCI has a unique mission and purpose for the services it provides for children. Providing safety, security and care to children who have allegedly violated the law, during the period of investigation. Providing legal aid to the child during the investigation, ensuring attendance at

all dates of hearings and assisting the child by explaining the procedure and status of the case to the child. Individualized care for each child using appropriate methods such as counselling sessions, interaction with the child's family, etc., based on a thorough understanding of the child's background (family situation, peer and neighbourhood influences, positive influences), needs and interests to develop a plan. Home visits, eligibility tests for education and vocational training, and consultations with physical and mental health professionals. Provide corrective facilities such as education, skill development, counselling, behaviour modification treatment, and psychological support, during the period of their stay at CCI. As soon as a child is found guilty of a crime, they must begin the process of healing and change, accepting responsibility and accountability for it. This is to impart skills to the child and plan to ensure successful rehabilitation in the family and community.

There is no presumption that the alleged Children in Conflict with the Law (CCL) are guilty at any stage. Consequently, in terms of infrastructure, services and how officials interact with children, an observation home should not look like a prison. Children should not be considered criminals or prisoners and should be given as much freedom as possible. Services and care are provided in a way that allows the identification of the specific needs of each alleged CCL through the use of appropriate methodology and discussion with specialists. Children should be assured upon entry into the institution that the Special Home and its staff will be there to support them throughout their stay. Children are mentored through a process of accepting responsibility for their actions and taking accountability for them. Children should be assisted to make a fresh start in life and become emotionally and financially self-reliant as they re-engage in society.

### **III. CAUSES WHICH LEAD CHILDREN TO THE CCI**

About 50 percent the child in child care institution come from poor families that are unable to care for them. This number is anticipated to increase as a result of the ongoing pandemic, which is anticipated to further impoverish many families (Child Help, Role of child care institutions 2021). There are various causes which led children to the CCI, following are some them which primarily responsible for making children a destitute.

**Broken families** created the highest number of destitute children. This implies that the marital bonds/ relations in the society are degrading. In the present scenario due to the matrimonial issues the children become destitute more, despite they are having parents but they parentless. AIDS is dreadful sexually transmitted diseases which kills the lives of many parents thus leaving their children as destitute. Another important casual factor for destitute children is that either both the parents or one of the parents died of illness other than AIDS such as drinking,

heart attack, cancer or some unknown diseases. Some parent(s) committed suicide due to loss of mutual trust and relationship and overburdened by the family problems (Dr. Tomba Chingtham 2014). Family problem is a big issue which forces the parents to send their child to these institutions. Even if poverty has equal role most of them manage somehow. Issues among parents, stepmother or father, no parents all have long lasting impact on a person's future life. So, it can be seen that poverty and family problems are the main reasons which lead them to these institutions among other factors (B N Bindu 2021).

**Poverty and helpless** single parent ranks second in creating a large number of destitute children. This implies that the financial conditions of the single parent are extremely weak to afford their own children. This is one of the important reason the children become under compulsion to go to the CCIs. **Other causes**-Insurgency problems are another for child destitution where the parents were killed by the underground people (UG) or father joined UG and left home and mother died of diseases or mother stayed at her paternal house. Another factor responsible for child destitute is that parent(s) died either by accident or committed suicide. The poor parents (daily wages earners) in their venture to earn their livelihood, they met accident and died. Abandoned by parents just after birth leads to child destitution rarely. (Dr. Tomba Chingtham 2014).

Crime is one of the reasons for children coming to the CCIs. These children call Children in Conflict with Law. There are various reasons why children commit the crime, Susheel kumar et. al. (2017) found, family factor, Individual factor, community factor and system factor responsible for the commission of crime by the children. Individual factors are personality traits like submissiveness, defiance, hostility, impulsiveness, feeling of insecurity, fear, lack of self-control and emotional conflicts whereas situational factors are family, companions, movies, school environment, work environment etc. Family factor, basically, children need support, love, affection, keen parenting support. When these basic needs are missing which may affect child's personality. Broken homes, lack of love, lack of parental affection, gang subculture, poverty, negative influence of movie and media, urbanization, adolescent instability, lack of recreation, negative environment, low-socio economic, poor parental violence, availability of weapons, association with deviant peers, parental substance use, peer pressure, television violence, parental antisocial behavior, poor academic performance, large family size, low educational attainment, drug or alcohol use of child, poor monitoring of children in school and criminal behavior of siblings are the causes for juvenile delinquency. Community factor such as extra-pocket money, revenge factor, poor literacy rate, over exposure to media, lack of values, cheap literature, love of adventures, early sex experience and mental conflicts etc.

System factor such as false case against the children due to involvement in activities which apparently offensive. Many a time the police officers lodge the false cases like causing riots, counterfeit currency/bank notes, grievous hurt, acid caste conflict -SC/STs Vs. Non-SCs/STs, other caste riots, etc.

**Table No 3.1. Causes found by author**

S. No.	Causes found through field study	Name of the Author
1.	poverty, illiteracy, neglect, and abandonment	B N Bindu
2.	Broken families, extremely poor or helpless single parent or both kind of parents, abandoned by parents, and AIDS victim parents.	Dr. Tomba Chingtham
3.	lack of parenting style, poor social support, financial problems, peer pressure, lack of school supervision, environmental issues, marital problems, a broken home, poor academic performance, and family matters were the causes of involvement in legal issues	Susheel kumar et. al.

In the above three studies, poverty, abandoned children, broken families and illiteracy all have found common causes. All three studies have been done by applying the empirical research method i.e. field visit study. Firstly, In order to reduce the number of children in CCI, we have to remove and resolve the reasons which led to children coming to CCI. For this we need to remove the tumour of poverty from society, the state should ensure that parents do not abandon their children. A broken family is a recurring phenomenon of the present situation, and children of those couples are most negatively affected, another important cause is parental illiteracy, such illiteracy can be addressed and resolved either by providing education or through awareness programmes.

#### **IV. REHABILITATION MEASURES UNDERTAKEN BY THE CCI**

Manpreet Kaur etc. al. (2016) inquired about existing rehabilitation practices for adolescents in juvenile homes. The authors found that only children from lower and lower-middle-class families were admitted to observation/special homes, making it easy to assume that poverty and inadequacies in living are major causes of juvenile delinquency. The rehabilitation process initiated in CCI was not sufficient as cooking, and tailoring, the haircut was only there, which has become obsolete. The officials of the houses also recommended several times to change



such course but still not changed. PJ Nanditha et. al. (2018), talks about the challenges faced by child care institutions in the wake of the Juvenile Justice Act (Amendment) 2015, as perceived by the authorities and civil society organisations. It was found that the non-registration was mostly due to a misunderstanding of the distinction between "mandatory" and "suggested" rules. Many child care institutions are not registered under the Juvenile Justice Act, many of them claiming to be "ignorant" of the registration process, requirements and procedures.

Raj Kumar Bandi (2021) examined the status of CCIs and the services they provide for the rehabilitation of children and how satisfied the children are with the services. It was found that the children are not satisfied; they have to face violence in the form of physical and mental abuse from the management. It was also found that the institutions are functioning without proper facilities and without proper rehabilitation measures. Y D Nandeesh and SR Patil (2017) aimed to understand the socio-economic background of children and CCI's approach to rehabilitation programmes. The author observed that both positive and negative opinion of children about rehabilitation services, dimensions received by children in negative opinion should be carefully considered by CCI and concerned authorities to improve the quality of services being provided. This is all to help the effectiveness of the child care institutions in the future. Basona Khatun (2020) explores institutional care in CCI in the context of the Juvenile Justice Act, 2015 and the Juvenile Justice Model Rules, 2016. The findings of the study suggest that facilities and services in child care institutions are not adequate in terms of infrastructure, housing. Management and supervision of basic necessities, sanitation and hygiene, medical facilities, education and child care including vocational training of children.

Carr A et. al. (2018) attempted to examine the experiences of survivors of long-term child care abuse in Scotland and to build a model linking abuse, risk and protective factors and outcomes. Survivors were cared for an average of 8 years in most Catholic and non-religious residential institutions in Scotland, with an average age of 6–8 years. They were subjected to various kinds of harassment. Physical abuse was reported in 95.6 per cent cases, emotional abuse in 85.3 per cent cases, and sexual abuse in 60.4 per cent cases, emotional neglect in 51.1 per cent cases and physical abuse in 37.3 per cent cases. Survivors reported negative psychosocial adjustment (96 percent), mental health (84 percent) and physical health outcomes throughout their lives (43 percent).

#### **(A) Rehabilitation Procedure at the CCI:**

Rehabilitation means 'the act of restoring something to its original state. The noun 'rehabilitation' comes from the prefix 'Re' meaning again and 'habitat' means to make fit

(dictionary meaning). According to the World Report on Disability Rehabilitation is a set of measures that assist individuals experiencing a disability to achieve and maintain optimal functioning in interacting with their environment (WHO, 2011). So, rehabilitation institutions are meant for the multidimensional development of an individual. Rehabilitation institutions in the present study are child care institutions for the care and protection of a child in difficult situations. These are registered under the JJ Act and are working as per the directions of the Act. These measures are for the development of these children and their re-integration into society.

Rules 26 and 29 to 38 provide for rehabilitation facilities, those facilities that the child would have had if they lived within a family. Therefore, the rehabilitation process prescribed by the JJ Rules 2016 is in such a way that the child never feels that they are in the Children's Home, but it is impossible to say that every CCI follows the rehabilitation measures prescribed in the Rules. Following are the rehabilitation measures as per JJ Rules 2016.

**Management and Monitoring of Child Care Institution-** The number of personnel of the Child Care Institution shall be determined according to the duties, posts, hours of duty and the category of children the staff is to be staffed. The staff of the Child Care Institution will be under supervision. The person in charge shall, by order, determine his specific duties and responsibilities keeping in view the statutory requirements of the Act and the Rules. The number of positions for each category of staff will be determined by the capacity of the institution and will increase proportionately as the capacity of the institution grows.

Rule 26 suggests that the staffing pattern for an institution with a capacity of 100 children may be as follows:

**Table No-4.1.1. Staffing pattern for an institution**

<b>S. No</b>	<b>Personnel/ Staff</b>	<b>Number</b>
1	Person-in-charge (Superintendent)	1
2	Probation Officer/Child Welfare Officer/Case Workers (NGOs) A Child Welfare Officer may be designated as Rehabilitation-cum-Placement Officer	3
3	Counselor/ Psychologists/mental health expert	2

4	House Mother/ House Father	4
5	Educator/ Tutor	2(Part time)
6	Medical Officer (Physician)	1 (on call)
7	Para-medical staff/ Staff Nurse/Nursing Orderly	1
8	Store Keeper cum Accountant	1
9	Art & Craft & activity teacher	1(Part time)
10	PT Instructor-cum-Yoga trainer	1(Part time)
11	Cook	2
12	Helper	2
13	Housekeeping	2
14	Driver	1
15	Gardener	1(Part time)

**Source- J.J. Rules 2016**

**Physical infrastructure-** Accommodation in each institution shall be as per the following criteria, namely:

(i) Observation Home:

(a) Separate observation homes for girls and boys;

(b) Classification of children and segregation according to their age group, preferably 7-11 years, 12-16 years and 16-18 years, taking into account the physical and mental condition and the nature of the offence committed.

(ii) Special Homes:

(a) Separate special homes for girls above the age of 10 years and boys between the ages of 11 to 15 and 16 to 18 years;

(b) Classification and segregation of children on the basis of age and nature of offences and their mental and physical condition.

(iii) Place of Safety:

(a) for children in the age group of 16 to 18 years who have been accused of committing a heinous offence, pending inquiry;

(b) for children of 16 to 18 years of age found to have been involved in a heinous offence, on completion of the inquiry;

(c) for persons above the age of 18 years, who have allegedly committed the offense when they were under the age of 18 years, pending inquiry;

(d) on the completion of the inquiry for persons above the age of 18 years found to have been involved in the offence;

(e) for children in accordance with an order of the Board under clause (g) of sub-section (1) of section 18 of the Act.

(iv) Children's Home:

(a) while children of both sexes below the age of 10 years may be kept in the same home, separate bathing and sleeping facilities shall be maintained for boys and girls of the age of 5-10 years;

(b) separate children's homes for boys and girls in the age group of 7-11 years and 12-18 years;

(c) Separate facilities for children up to six years of age, and facilities suitable for infants.

Rule 29 of the JJ Rules 2016 suggested norms for building or accommodation in each institution with 50 children of approximately 8495 sq. ft. under the following heads-

**Table No-4.1.2. Physical Infrastructure of CCI**

S. No	Particular	Area
1.	2 Dormitories Each	1000 Sq.ft. for 25 children i.e., 2000 Sq. ft
2.	2 Class rooms	300Sq.ft. for 25 children i.e., 600 Sq. ft.
3.	Sickroom/First aid room	75 Sq.ft. per children for 10 i.e., 750 Sq. ft.
4.	Kitchen	250 Sq. ft.
5.	Dining hall	800 Sq. ft.

6.	Store	250 Sq.ft.
7.	Recreation room	300 Sq.ft.
8.	Library	500 Sq.ft.
9.	5 Bathroom	25 Sq.ft. each i.e., 125 Sq. ft.
10.	8 Toilets	25 Sq. ft. i.e., 200 Sq.ft.
11.	Office rooms	(a) 300 Sq.ft. (b) Person-in-charge room 200 Sq.ft.
12.	Counselling and Guidance room	120 Sq.ft.
13.	Workshop	1125 Sq. ft. for 15 children @ of 75 Sq.ft. per trainee
14.	Residence for Person-in-charge	(a) 2 rooms of 250 Sq.ft. each (b) Kitchen 75 Sq.ft. (b)bathroom cum toilet 50 Sq ft.
15.	2 rooms for Juvenile Justice Board or Child Welfare Committee	300 Sq. ft each i.e., 600 Sq.ft.
16.	Playground	Sufficient area according to total number of children
Total		8495 Sq.ft.

Source- J.J. Rules 2016

Apart from these, Rule 30 provides for proper clothing, bedding, toiletries and other articles. Sanitation and cleanliness are provided under Rule 31, and the daily routine of the institution is provided in Rule 32. Proper nutritional and dietary norms should be followed by the institution under Rule 33. Every child care institution will have to strictly adhere to the minimum nutritional standard and suggested dietary scale as specified below:

**Table No 4.1.3. Minimum Nutritional Standard**

S.No.	Name of the articles of diet	Scale per head per day
1.	Rice/ Wheat/ Ragi/ Jowar	600 gms, (700 gms for 16-18 yrs age) of which atleast 100 gms to be either

		Wheat or Ragi or Jowar or Rice.
2.	Dal/ Rajma/ Chana	120s.
3.	Edible Oil	25 ms.
4.	Onion	25 ms.
5.	Salt	25 ms.
6.	Turmeric	05 ms.
7.	Coriander Seed Powder	05 ms.
8.	Ginger	05 ms.
9.	Garlic	05 ms.
10.	Tamarind/ Mango powder	05 ms.
11.	Milk (at breakfast)	150.
12.	Dry Chillies	05 ms.
13.	Vegetables Leafy and Non – leafy	100s., 130gms.
14.	Curd or Butter Milk	100s/ ml.
15.	Chicken once a week or Eggs 4 days	115s.
16.	Jaggery & Ground Nut Seeds or Paneer (vegetarian only)	60 gms each (100 gms for paneer) Once in a week.
17.	Sugar	40 gms.
18.	Tea/ Coffee	5gm.
19.	Sooji/ Poha	150 gms.
20.	Ragi	150 gms.
<b>Following items for 50 Children per day</b>		
21.	Pepper	25 gms.
22.	Jeera Seeds	25 gms.

23.	Black Gram	dal 50 gms.
24.	Mustard Seeds	50 gms.
25.	Ajwain Seeds	50 gms.
<b>On Chicken Day for 10 Kg. of Chicken</b>		
26.	Garam Masala	10 gms.
27.	Kopra	150 gms.
28.	KhasKhas	150 gms.
29.	Groundnut Oil	500 gms.
<b>For Sick Children</b>		
30.	Bread	500 gms.
31.	Milk	500 ml.
32.	Khichadi	300 gms.

**Source- J.J. Rules 2016**

A proper medical facility is to be provided to the CCI as mandated by Rule 34. The environment in an institution should be free from abuse so that children can face their situation and gain confidence (Rule 35). Under Rule 36, it is the duty of every institution to provide education to all children according to age and ability, whether inside or outside the institution, as per the need. Each CCI shall provide gainful vocational training under Rule 37 to the children, whether within or outside the CCI, according to their age, ability, interest and capacity. Recreational facilities such as indoor and outdoor sports, yoga and meditation, music, television, picnics and walks, cultural events, gardening and library, etc. as mandated by Rule 38.

**4.2. Post-rehabilitation of children after leaving Institutional Care-** the state government will develop a program for children who leave child care institutions at the age of 18, meeting their educational needs, and providing them with placement opportunities and employable skills. It will also help in meeting the housing needs for reintegration into society. Two months before the child leaves the child care institution, the probation officer, child welfare officer, case worker, or social worker must make a post-release plan and submit it to the board or committee, including recommendations for child care, which will be given on their

requirements (Rule 25 of JJ Rules 2016).

## **V. DISCUSSION**

It is not such that the child is going to CCI without any reason. There are many reasons why a child is forced to stay in child care institutions. Although the system of CCI is designed to provide the same care and affection to children as they would have had in their family including food, housing, education, health care system and other services to children. All the important things have been taken care of in the JJ Act, 2015 and the JJ Rules 2016. BN Bindu has found that poverty, illiteracy, neglect and abandonment are the primary reasons that led children to CCI, lack of adequate staff is seen as the main problem in all these institutions. Most of the posts are vacant. Services of the counsellor, medical staff, PD teacher etc are made available on temporary basis. Along with this lack of infrastructural facilities and absence of vocational training and self-employment program (Bindu, 2021) which should be in accordance with the Act, in the table no 4.1.1. and 4.1.2. shows the requirement of adequate staff and physical infrastructure for a health CCI. (Bindu, 2021). Then Dr. Tomba Chingtham found that broken families, poverty, helpless single parents, and parental abandonment are the main reasons children come to CCI (Tomba, 2020). which can be addressed through removing the poverty and awareness program relating to the protection of the children. Facilities and services in child care institutions are not adequate in terms of infrastructure, accommodation, basic necessities, sanitation and hygiene, medical facilities, education including the vocational training of children and management and monitoring of children care institution Basona Khatun (2020), table no 4.1.1. and 4.1.3. shows the requirement numbers of staff for a healthy CCI and required nutrition quality for good health of children, which found to be in adequate in this study. Susheel Kumar found that psychosocial factors such as lack of parenting style, poor social support, financial problems, peer pressure, lack of school supervision, environmental issues, marital problems, broken homes and poor academic performance were the main reasons children became children involved in legal issues (Kumar and Ronad, 2017). The main principle of the Juvenile Justice (Care and Protection of Children) Act, 2015 is rehabilitation and not punishment. The Act provides that children in conflict with the law and children in need of care and protection should be provided with adequate care, protection, development, treatment, social reintegration and child-friendly adoption for their essential needs. The idea behind rehabilitation is that people are not born criminals and should always be given a chance to reintegrate into society. It also prevents children from becoming violent offenders. Rather than punishing them as criminals, rehabilitation seeks to reform minors who have broken the law through schooling or therapy. The law also ensures that any child who leaves a child care



institution at the age of eighteen receives financial assistance to support their start in the society after leaving CCI (Abhay, 2020).

## **VI. CONCLUSION AND SUGGESTIONS**

The main objective of the JJ Act, 2015 is to consolidate and amend the law relating to children in need of care and protection and children alleged and found in violation of the law by providing basic needs through proper care, protection, development, treatment, social re-integration, in adjudication and disposal of cases in the best interest of the children and by adopting a child-friendly approach to their rehabilitation. Unfortunately, studies show that appropriate care and protection are not available in CCI, so the implementation process needs to be improved according to the needs of the children. A joint effort is needed on the part of the CCI, administrative bodies, NGOs and the State Department concerned to review the performance of the CCI, analyze the scope for improvement and develop a plan to address these challenges and limitations. There is a need to adopt a comprehensive policy for the betterment of the children residing in CCI. There is a need to involve NGOs and children in the management of CCI. The objectives of the Juvenile Justice (Care and Protection of Children) Act 2015 mainly depend on bringing the shift from the bureaucratic point of view to the stakeholder perspective.

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