

Module 1: Introduction to Children’s Rights and Protection Laws

Session 3.2: Who are children in need of care and protection

Duration: 3:54 min

As much as it is necessary to know about institutional care of children in need for care and protection as well as children in conflict with law, it is equally important to know about Rehabilitation and Social Re-integration of such children. The Rehabilitation and social integration of children shall be undertaken, based on the individual care plan of the child, preferably through family based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care plan

- For children in conflict with law the process of rehabilitation and social integration shall be undertaken in the observation homes, if the child is not released on bail or in special homes or place of safety or fit facility or with a fit person, if placed there by the order of the Board.
- The children in need of care and protection who are not placed in families for any reason may be placed in an institution registered for such children under this Act or with a fit person or a fit facility, on a temporary or long-term basis, and the process of rehabilitation and social integration shall be undertaken wherever the child is so placed-

The Children in need of care and protection who are leaving institutional care or children in conflict with law leaving special homes or place of safety on attaining eighteen years of age, may be provided financial support as specified in section 46, to help them to re-integrate into the mainstream of the society.

In addition to the above, there are some Other Salient Provisions that are important for you to know which are as below:

1. The *Central Adoption Resource Authority* will frame rules and regulations for adoption of orphaned children. Inter-country adoption is allowed when no Indian adoptive parents are available within 30 days of child being declared free for adoption.
2. Adoptive parents should be financially and physically sound. A single or divorced person may adopt a child. A single male may not adopt a girl child. Disabled children will be given priority for adoption.
3. Children in need of care and protection can be allowed to be placed in foster care based on the orders of the CWC and selection of the foster family.
4. Buying and selling of a child attracts imprisonment up to five years. Giving an intoxicating
5. or narcotic substance to a child attracts imprisonment up to seven years.
6. Establishment of facilities such as children’s homes, observation homes, special homes etc. is mandatory for state government.
7. Compulsory Registration of all CCIs/residential facilities for CNCP and penalty for non-registration.

8. Institutions for child-care must be registered. Corporal punishment of children in child-care institutions is also punishable.
9. Individual Care Plan mandatory both in case of CICL and CNCP.
10. Non-disclosure of identity of juvenile offenders by media.

Now let us talk about how Punishment for Offences against Children has been amended in the JJ Act 2015

- Punishment for cruelty to children has been enhanced from 6 months to three years
- Selling or buying of children will be punishable offence within maximum imprisonment of 5 years
- Corporal Punishment within CCI will be punishable offence
- Adoption without prescribed procedures shall be punishable with imprisonment for 3 years, or fine of one lakh rupees or with both