

## Module 6 - Child Care Institutions (CCIs) under JJ Act

### Session 1: Session 1: Institutions for CCL

Duration: 7:31 Minutes

#### What is the need and purpose of CCIs?

In situations where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorised civil society organisations (CSOs).

CCIs provide appropriate alternative care to such children.

It is the role of the State, through its competent authorities, to ensure supervision of the safety, well-being and development of any child placed in alternative care and regular review of appropriateness of the care arrangement provided.

CCIs provide alternative care to children.

#### Institutions under the JJ Act, Composition and Purpose

The JJ Act, 2015 provides for institutional care mechanism (in addition to non-institutional/family-based mechanism) for rehabilitation and reintegration of CCL and CNCP. In order to have a better understanding of the types of institutions for CCL and CNCP, let us now discuss them in detail;

#### Institutions for CCL

**Observation Home [Section 2 (40), JJ Act, 2015]** "Observation Home" means an Observation Home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry

#### Special Home [Section 2 (56), JJ Act, 2015]

"Special Home" means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under Section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board."

#### Place of Safety [Section 2 (46), JJ Act, 2015]

"Place of Safety" means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict

with law, by an order of the Board or the Children’s Court, both during inquiry and on-going rehabilitation after having been found guilty for a period and purpose as specified in the order.”

### **What is the composition and purpose of Observation Homes?**

#### **Observation Home [Section 47 & Section 39 (2) JJ Act, 2015; Rule 29 (i), JJ Model Rules, 2016]**

1. The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary organisations or NGOs, Observation Homes, which shall be registered under Section 41 of JJ Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under JJ Act.
2. Every child alleged to be in conflict with law sent to an Observation Home shall be segregated according to the child’s age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.
3. The State Government by rules made under the JJ Act, provide for the management and monitoring of Observation Homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn.
4. For CCL 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.
5. There shall be separate Observation Homes for girls and boys.
6. Classification and segregation of children will be done according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed.

### **What is the composition and purpose of special home?**

#### **Special Home [Section 48 & Section 18 (1) (g), JJ Act, 2015; Rule 29 (ii), JJ Model Rules, 2016]**

1. The State Government may establish and maintain either by itself or through voluntary organisations or NGOs, Special Homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those CCL who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board (JJB) made under Section 18.
2. Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of 16 years has committed a heinous offence, the Board may, if it thinks fit, direct the child to be sent to a special home, for such period, not exceeding three years, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home.

3. There shall be separate Special Homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years.
4. Classification and segregation of children will be on the basis of age and nature of offences and their mental and physical status.

### **What is the composition and purpose of Place of Safety?**

#### **Place of Safety [Section 49 Section 19, JJ Act, 2015; Rule 29 (iii), JJ Model Rules, 2016]**

1. In every district or for a group of districts the State government shall either by itself or through voluntary organisations or NGOs establish and maintain “Place of Safety” in accordance with the provisions of Section 49 to ensure the care, treatment, protection and developmental process of CCL who are above the age of 18 years or those who have committed heinous crimes and are above the age of 16 years at the time of commission of crime.
2. Provided that the reformatory services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric shall be provided to the child during the period of his stay in the Place of Safety
3. Separate facility shall also be provided for keeping CCL alleged to have committed heinous crimes and are above the age of 16 years or have completed 18 years of age and the inquiry is pending before the Board or the Children’s Court as the case may be.
4. For children in the age group of 16 to 18 years alleged to have committed heinous offence pending inquiry.
5. For children in the age group of 16 to 18 years found to be involved in heinous offence upon completion of inquiry.
6. For persons above 18 years alleged to have committed offence when they were below the age of 18 years pending inquiry.
7. For persons above 18 years found to be involved in offence upon completion of inquiry.
8. For children as per the orders of the Board under clause (g) of sub-section (1) of Section 18 of the Act.