

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

Session 2: Institutions under JJ Act - Definition, Composition and Purpose

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Welcome to the Module 6 of the Child Protection E-Learning Module. The Juvenile Justice Act provides for the setting up of institutional care structures for children. In this session we try to understand, what are these institutions, what are their functioning processes and how do they undertake the rehabilitation of children.

At the end of this module you will be able describe:

- What is a CCI
- Types of CCIs under the Juvenile Justice Act, 2015 (JJ Act)
- Characteristics of various CCIs
- Functioning and process of various CCIs
- Managing and monitoring procedures of CCIs
- Specific roles and responsibilities of officials and staff of various CCIs

Let us begin this session with the profound words of great anti-apartheid revolutionary and former South African President Nelson Mandela

There can be no keener revelation of a society's soul than the way in which it treats its children.

Nelson Mandela

CCIs along with other child protection must ensure that children in our society are treated with dignity, love and care.

Let us also read this excerpt from the Preamble of the Convention on the Rights of the Child, 1989, United Nations Convention on the Rights of the Child (UNCRC)

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

CCIs play an important role in providing a happy, loving and caring environment to children in need of care and protection (CNCP) and children in conflict with law (CCL) who cannot live in a family environment.

In this session we will discuss functions and processes of these CCIs including rehabilitation of children.

Under the JJ Act separate CCIs are set up for CNCP and CCL. As per international standards as well as the JJ Act, placing a child in institutional care should be a measure of last resort.

Children are to be placed in institutions only when it is found that the restoration of the child to parents or family may not be in the best interest of the child.

For example, institutional care becomes essential for taking care of children who do not have parents, whose parents are not suitable to raise them, or whose parents are unable or incapacitated to take care of their children.

In such circumstances, the CWC can order the child to be placed in a home run or recognised by the government (Registered u/s 50 of the JJ Act).

Session Overview

The JJ Act provides a range of options for residential care for the different categories of children.

The residential categories can be divided into two categories broadly:

1. Homes - Observation Homes, Special Homes, Place of Safety for CCL and Children's Homes for CNCP
2. Open Shelter, Fit Facility, Fit persons who are to provide community-based residential care to children. These are different from adoption, foster care and sponsorship, which fall in the category of non-institutional care.

Under Section 46, the JJ Act addresses After Care for children leaving institutions. It provides any child leaving a Child Care Institution (CCI) on completion of 18 years of age with financial support in order to facilitate their re-integration into mainstream society.

We will discuss all of these in detail in the subsequent sections.

What is child care institution?

CCI means Children's Home, Open Shelter, Observation Home, Special Home, Place of Safety, Specialised Adoption Agency (SAA) and a Fit Facility recognised under this Act for providing care and protection to children, who are in need of such services." (Section 2 (21), JJ Act 2015)

Children in conflict with law are provided residential care and protection in Observation Homes, Special Homes and Places of Safety.

Compulsory Registration of Institutions [Section 2 (51 and 41)]

The JJ Act allows institutional facilities for children to be set up by both government and non-government organisations (NGOs). However, as per law, all CCIs, whether they are for CNCP or for CCL, are required to be compulsorily registered under JJ Act 2015 within six months of the JJ Act 2015 having been enacted. This requirement for registration is irrespective of who is running such homes - government, voluntary organisation or NGO. Even those institutions that are not receiving government funds are required to be registered.

Getting a Registration is an Obligation and not a Right

State Government may refuse or withhold registration. In case institutions fail to meet the necessary standards as laid out in the law and elucidated in the rules, the State Government has the duty to cancel the registration. In case the registration of an institution is cancelled, the management of the institution will be passed on to the State Government till the registration is renewed or granted. This is to ensure that children in the institution are not displaced and are cared for properly till necessary remedial actions have been taken.

After knowing about what are child care institutions and what are the registration procedures for these CCIs, let us now discuss about Penalty for Non-Registration of CCI (Section 42)

As per the JJ Act, those persons who are in charge of institutions and who fail to comply with the provisions of sub-section (1) of Section 41, shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both. As it is a continuing offence, delay of 30 days in moving an application for registration from the date of establishment or from the date when renewal of registration becomes due, will be considered as a separate offence. In effect, if an institution fails to move an application for registration for 90 days, it will be liable to three offences of non-registration.

“Person-in-charge” means a person appointed for the control and management of the CCI.