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Role of Child Care Institutions in Juvenile Rehabilitation

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Abstract

This paper is an attempt to explore the impact of 'Child Care Institutions' being one of the most important aspect for juvenile rehabilitation through education, skill development, behavioural studies, counselling and after care programmes. This paper further examines the effectiveness of the 'Child Care Institutions', the major challenges faced by the juvenile in rehabilitation. This paper also discusses the suggestions to combat with the challenges faced by the 'Child Care Institutions' and for its effective working and concluded with the recommendations for improvised work for juvenile rehabilitation by ensuring the holistic development of juveniles.

Key-Words: Child Care Institution; Conflict; Care and Protection; Rehabilitation.

1. Introduction

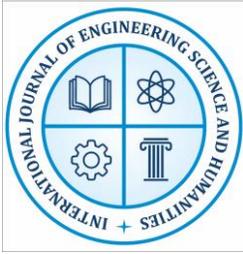
The juvenile is one of the major segments of Indian society that impacts its development. Juvenile rehabilitation always remained a primary aspect dealt with by the legislature, executive, and judiciary.¹ The purpose of 'Child Care Institutions' is to provide a cordial atmosphere to the juvenile, i.e., 'Child in Conflict with Law' (*hereinafter referred to as 'CCL'*) and 'Child in Need of Care and Protection' (*hereinafter referred to as 'CNCP'*). The juvenile justice system always cater the needs of the juvenile, and the 'Child Care Institution' is one of the most important tools to address the needs of juveniles and to take proper care, to provide protection, and for rehabilitative services. The Juvenile Justice (Care and Protection of Children) Act, 2015 (*hereinafter be called as 'the JJ Act, 2015'*) is a comprehensive legislation which ensures proper care, development, protection, social reintegration, treatment of children by adopting the child friendly approach in the best interest of the child.²

Meaning of Child Care Institution

As the name suggests, the 'Child Care Institution' is the institution where care and protection are provided to the child. As per the Juvenile Justice (Care and Protection of Children) Act, 2015, Section-2(21) provides the definition of 'Child Care Institution'.³

Definition of "Child Care Institution": Section 2(21) of Juvenile Justice (Care and Protection of Children) Act, 2015³

"Child Care Institution" – means Children Home, open shelter, observation home, special home, place of safety, Specialised Adopting Agency and a fit facility recognised under this Act for providing care and protection to children who are in need of such services.



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As per this definition, it is very clear that specified 'Child Care Institutions' are provided as per the JJ Act, 2015, for the care and protection of children in need. The JJ Act, 2015, being the beneficial legislation, always focused upon the rehabilitation of juveniles, and 'Child Care Institution' is one of the important tools to provide the services for care, protection, and rehabilitation of juveniles.

2. Purpose of Child Care Institutions/Who are entitled to services in Child Care Institutions

As stated earlier, the purpose of the establishment of 'Child Care Institutions' is to provide care and protection to the children in need of such services. The following categories of children, as per the JJ Act, 2015, are entitled to the services in 'Child Care Institutions': one is 'Child in Conflict with Law' and the second is 'Child in Need of Care and Protection'.⁴ Certain definitions are necessary to mention for further clarity.

Definition of "Child": Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015

"Child" - means a person who has not completed the age of 18 years.

The juvenile is the legal terminology for child. A young person if involved in criminal system he becomes juvenile or we can say Juvenile in Conflict with Law.⁵

Definition of "Juvenile": Section 2(35) of Juvenile Justice (Care and Protection of Children) Act, 2015

"Juvenile" - means a child below the age of 18 years.

Broadly, the juvenile, as per the Juvenile Justice (Care and Protection of Children) Act, 2015, has been divided into two categories: one, 'Child in conflict with law' and the second, is a 'Child in Need of Care and Protection'. 'Child in Conflict with Law' is defined under Section 2(13), and 'Child in Need of Care and Protection' is defined under Section 2(14) of The Juvenile Justice (Care and Protection of Children) Act, 2015.

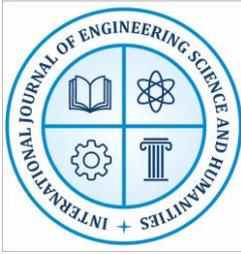
Definition of "Child in Conflict with Law": Section 2(13) of the Juvenile Justice (Care and Protection of Children) Act, 2015

"Child in Conflict with Law"- means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

Definition of "Child in Need of Care and Protection": Section 2(14) of the Juvenile Justice (Care and Protection of Children) Act, 2015

"Child in Need of Care and Protection" means a child-

- (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

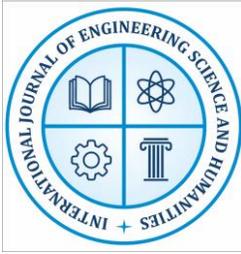


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- (ii) *who is found working in contravention of (the provisions of this act or) labour laws for the time being in force, or is found begging, or living on the street; or*
- (iii) *who resides with a person (whether a guardian of the child or not) and such person-*
 - (a) *has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of the child; or*
 - (b) *has threatened to kill, injure, exploit or abuse the child, and there is a reasonable likelihood of the threat being carried out; or*
 - (c) *has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or*
- (iv) *who is mentally ill or mentally or physically challenged or suffering from a terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or*
- (v) *who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well being of the child; or*
- (vi) *who does not have parents and no one is willing to take care of, and protect or who is abandoned or surrendered;*
- (vii) *who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or*
- (viii) *who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts' or*
- (ix) *who is found vulnerable and has been or is being or is likely to be inducted into drug abuse or trafficking; or*
- (x) *who is being or is likely to be abused for unconscionable gains; or*
- (xi) *who is victim of or affected by any armed conflict, civil unrest or natural calamity; or*
- (xii) *who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other person are likely to be responsible for the solemnisation of such marriage.*

The purpose of 'Child Care Institutions' is not only to safeguard the children but to provide a structural institution for educational, vocational training, after-care programmes etc.



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3. History of Child Care Institutions

The History of 'Child Care Institutions' in Haryana has evolved from early initiatives taken by District Child Welfare Councils established in mid-20th Century to the modern regulated system under the JJ Act, 2015⁶. The state has undergone various legislative and administrative changes, like mandatory registration of institutions and the implementation of schemes like the integrated child protection scheme to provide a more structured and value-based framework for child care. The early history of District Child Welfare Councils shows that the government was very keen to work for the welfare of children. In 1974 Haryana Children Act was passed for neglected children.

In the 19th and 20th centuries, religious and missionary efforts focused on orphans and the destitute as one institution, namely the Children's Aid Society, established in 1927. In 1920 Balkan Ji Bari Organisation was established and provided services to children from poor, uneducated and helpless families. One other organization namely Giju Bhai Badheka, established in 1920 orienting Montessori Methods to Indian conditions. The other organization namely Tara Bhai Modak in 1945 established the first formal Gram Bal Shiksha Kendra which inspired in 1974 the integrated Child Development Services Programme. Thereafter, in 2014 integrated Child Protection Scheme was formed. In 1986, an Act for children was introduced, namely the Juvenile Justice Act, 1986. Thereafter, the Juvenile Justice (Protection and Care of Children) Act, 2000, was enacted to give proper care and protection to children. Due to the age concept after the '*Nirbhaya case*' in Delhi, the Juvenile Justice (Care and Protection of Children) Act, 2015, was enacted. The JJ Act, 2015, was introduced to govern 'Child Care Institutions' and to ensure their rights. There is a shift of focus from purely custodial care to a more rights-based approach that emphasises a child's holistic development, including physical, cognitive and emotional wellbeing.⁷

4. Legal Framework Governing Child Care Institutions

Juvenile rehabilitation refers to a structured process aimed at transforming negative behaviours and also addresses juvenile vulnerabilities, enabling children to live productive and meaningful lives. The establishment of 'Child Care Institutions' finds its origin in the Constitution under Article-14, Article-21. Article 39(e)-(f) Article-45 and Article-47.⁸ All these articles, specifically Article-39 (e)-(f), clearly provide for the protection of children from exploitation and neglect. Article-15 of the Constitution confers the power upon the state to make special provisions for children. Article-39(e)-(f), Article-45 and Article-47 further make the state responsible for ensuring that all the needs of children are met and their basic human rights are protected.



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5. Child Care Institutions under the Juvenile Justice (Care and Protection of Children) Act, 2015

Different 'Child Care Institutions' under the JJ Act, 2015 have a unique object and for this purpose, all the 'Child Care Institutions' (*hereinafter referred to as CCIs*) shall have a different approach towards children. The JJ Act, 2015, provides for Institutional care alongwith family based care mechanisms and non-Institutional care for the rehabilitation and reintegration of juveniles.⁹ Different kinds of 'Child Care Institutions' are there for 'Child in Conflict with Law' and 'Child in Need of Care and Protection'.

A. Institutions for Child in Conflict with Law

The facilities for the children who found to be in conflict with law are separate from the institutions provided for 'Children in need of care and protection'. The institutions for 'Child in Need of Care and Protection' are as follows: -

(ii) ***“Observation Home”*: Section-2 (40), Section 47 and 39(2) of Juvenile Justice (Care and Protection of Children) Act, 2015, Rule-29(i) JJ Model Rules, 2016**

***Definition of “Observation Home”*: Section-2(40)**

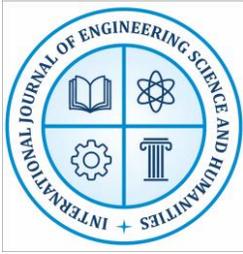
“Observation Home”- means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for the purposes specified in sub-section (1) of section 47.

Section-47, 39(2), The Juvenile Justice (Care and Protection of Children) Act, 2015, Rule-29(i) JJ Model Rules, 2016 - The State Government shall establish and maintain an Observation Home for the 'Child in Conflict with Law' according to his age and gender, physical and mental health, and nature of offence. The state government shall also make rules for the management and monitoring of observation homes, the types of services for rehabilitation and rules for registration. Section-39(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides that if a juvenile is not released on bail, then the rehabilitation and social reintegration process shall be undertaken. As per rule 29(i) of JJ Model Rules, 2016, there shall be separate observation homes for girls and boys, and there shall also be further classification as per the age, mental and physical health and in view of the nature of offence committed.

(ii) ***“Place of Safety”*: Section 2(46), 49 and Section 19 of JJ Act, 2015, Rule 29 (iii) JJ Model Rules, 2016-**

***Definition of “Place of Safety”*: Section-2(46)**

“Place of Safety”:- means any place or institution, not being a police lock-up or jail, established separately or attached to an observation home or a special home, as the case may be, (***) to receive and take care of children alleged or found to be in



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conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order.

Section 49 provides that state government shall set up at least one place of safety in state registered under section 41 so as to place a person above the age of 18 years or 'Child in Conflict with Law', he is between the age of 16 to 18 years and is accused or convicted for committing a heinous crime. The State Government will make rules for separate arrangement and facilities for stay of such children and services to be provided to them. As per section-18 (1)(g) the Juvenile Justice Board may direct the child to be sent to place of safety for his best interest.

(iii) ***"Special Home": Section-2(56), Section-48, Section-18(1)(g) of Juvenile Justice (Care and Protection of Children) Act, 201, Rule 29(ii), JJ Model Rules, 2016***

Definition of "Special Home": Section-2(56)

"Special Home"-means an institution established by a State Government or by a voluntary or non-governmental organization, 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.

Section-48 provides that the State Government may establish Special Homes and maintain them either by itself or through NGO or voluntary organisations and shall be registered in the manner provided under section-41 of **the JJ Act, 2015**. The Juvenile Justice Board will place a 'Child in Conflict with Law' in a Special Home for rehabilitation during the inquiry, and such period shall not exceed three years. As per Rule 29(2) Model Rules, the juvenile shall be placed in special homes as per their age classification, nature of offence, mental and physical health.

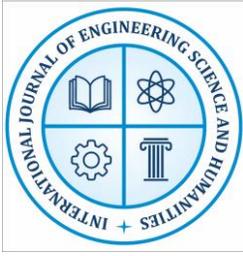
B. Institutions for Child in Need of Care and Protection

'Child in Need of Care and Protection' are having their separate homes established and maintained by the State Government, a voluntary organization, or NGO. The nomenclature for these homes is different from that of homes for children in need of care and protection. The following are the institutions where a 'Child in Need of Care and Protection' may be sent.

"Children Home": Section-2(19) and Section-50 of Juvenile Justice (Care and Protection of Children) Act, 2015.

Definition of Children Home: Section-2(19)

"Children Home"- means a Children's Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a



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voluntary or non-governmental organisation, and is registered as such for the purposes specified in Section-50.

As per section-50 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the state government may establish and maintain Children home for the placement of 'Child in Need of Care and Protection' for their care, education, training, development, and rehabilitation. Children home shall provide specified services to children depending on the requirement. The state government may provide for the monitoring and management of children's homes based on their individual child care plan.

- (i) ***Open Shelter (Section-2) (41) and Section-43 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule-22, JJ Model Rules, 2016, Section-2 (41)*** defines Open Shelter, that is one of the most important institution for 'Child in Need of Care and Protection' and is defined as under: -

Definition of "Open Shelter": Section-2 (41)

"Open Shelter"-means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organisation under sub-section (1) of section 43, and registered as such, for the purposes specified in that section.

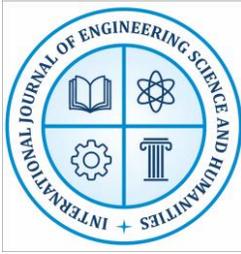
As per Section 43 of **the JJ Act, 2015**, like children's home the open shelter shall also be maintained by the state government through a voluntary organization or non-governmental organization with an objective to provide community based facility for children in need of residential support on short term basis. The details of services provided by the open shelter shall be sent to the District Child Protection Unit (DCPU). Rule-22 of JJ Model Rules, 2016 provides that open shelters may provide day care and night residential facilities, including food, washing facility and toilet and will not refuse admission to any 'Child in Need of Care and Protection' at any time.

- (ii) ***Specialized Adoption Agency Section-2(57) and Section- 65 of Juvenile Justice (Care and Protection of Children) Act, 2015-***

Definition of: "Specialized Adoption Agency": Section-2(57)

"Specialized Adoption Agency"-means an institution established by the State Government or by a voluntary or non-governmental organisation and recognised under section 65, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption

A special adoption agency is the institution established by the state government for the 'Child in Need of Care and Protection' and defined under Section 2(57) of the JJ Act, 2015. The specialized Adoption Agency shall follow the regulations as framed by



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the Adoption Agency for the rehabilitation of Orphaned, Abandoned or Surrendered children through adoption or non institutional care as per Section -65 of the JJ Act, 2015, 2015.¹⁰

(iii) ***Foster Care Section-2(29) and Section-44 of Juvenile Justice (Care and Protection of Children) Act, 2015-***

Definition of “Foster Care”: Section-2(29)

“Foster Care”-means placement of a child, by the Committee for the purpose of alternate care in the domestic environment of a family, other than the child’s biological family, that has been selected, qualified, approved and supervised for providing such care.

As per section-44 ‘A Child in Need of Care and Protection’ may be placed in foster care through the orders of the Child Welfare Committee after following the due procedure. The foster family shall not include the child’s biological or adoptive parents. The selection of a foster family shall be based on family’s ability, intent, and capacity, and also prior experience of taking care of children.

(iv) ***“Fit Facility”: Section-2(27) and Section 51 of Juvenile Justice (Care and Protection of Children) Act, 2015***

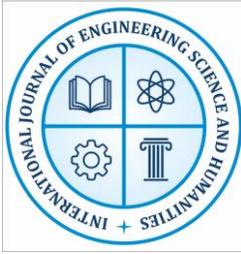
Definition of “Fit Facility” Section -2 (27)

“Fit Facility”: - means a facility being run by a governmental organization or a registered voluntary or non-governmental organisation, prepared to temporarily own the responsibility of a particular child for a specific purpose and such facility is recognised as fit for the said purpose by the committee, as the case may be, or the Board, under subsection (1) of section 51.

As per Section-51 fit facility shall be recognised by the Board or Committee to take the temporary responsibility of the child for a specific purpose after due verification of credential of the fit person. These may be a de-addiction centre or a specialised hospital.

6. Child Care Institution: Staff Role and Responsibilities

‘Child Care Institutions’, being a very important institution for child care and rehabilitation, the staff should be well acquainted with their duties and also fulfil their obligations with utmost sincerity and affection towards children. ‘Child Care Institutions’ must have qualified and trained staff, including a superintendent, Child Welfare Officer/Case workers, Probation Officers, Counsellors and medical staff with clearly defined roles in the establishment.¹¹ Following are the major staff and their responsibilities in view of the JJ Act, 2015.



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- i. **Superintendent/Person In-charge of the institution:** This person has the overall charge of the institution's administration, maintenance, and the provision of care and protection services to children. They ensure compliance with the JJ Act, 2015, supervise all staff, manage finances, and facilitate the implementation of individual care plans and daily routines.
- ii. **Probation Officer/Case Worker/Child Welfare Officer:** These officers conduct social investigations, prepare and implement individual care plans (ICPs), provide legal aid assistance, and ensure the child is produced before the Juvenile Justice Board (JJB) or Children's Court as required. They also help children maintain family contact, prepare post-release plans, and conduct follow-up after a child leaves the institution.
- iii. **House Mothers/Fathers:** They are the primary caregivers responsible for the daily welfare and personal needs of the children, including maintaining hygiene, sanitation, discipline, and implementing the daily routine with love and affection. They report to the Superintendent and Child Welfare Officer regarding a child's progress or issues.
- iv. **Counsellor/Psychologist:** They conduct counselling sessions to help children cope with emotions, feelings, and past trauma. Their role involves psychological assessments, therapeutic interventions, and working with other staff to incorporate the child's needs into the ICP.
- v. **Medical Officer and Paramedical Staff:** They ensure all health care facilities are available, conduct regular health check-ups, treat illnesses, and manage medical emergencies.
- vi. **Educators/Vocational Training Instructors:** They bridge educational gaps, provide formal or non-formal education, offer supplementary coaching, and provide vocational training to equip children with skills for future employment and social reintegration.

7. Management and Monitoring of Child Care Institutions (Rule-26), JJ Model Rules, 2016

The personnel strength of a CCI shall be determined according to the duty, posts, hours of duty and category of children that the staff is meant to cater to. The staff of the CCI shall be subject to control and overall supervision of the person in charge, who, by order, shall determine their specific duties and responsibilities in keeping with the statutory requirements of the Act and these rules. The number of posts in each category of staff shall be fixed on the basis of the capacity of the institution and shall proportionately increase with the increase in the capacity of the institution.¹²

In case of CCIs housing girls, only a female person in charge and staff shall be appointed. Any person associated with a CCI should not have been convicted of an offence or have been involved in any immoral act or in the act of child abuse or employment of child labour or in an



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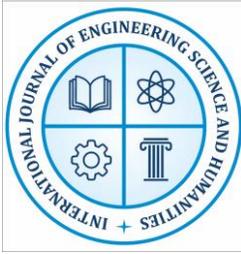
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offence involving moral turpitude or hold any office in any political party during his tenure. No person shall be appointed to or work in a CCI without police verification.

8. Role of Child Care Institutions as per JJ Act, 2015

The primary objective of a CCI is to ensure the overall well-being and development of children who are orphaned, abandoned, neglected, abused, or in conflict with the law. The role of the 'Child Care Institution' in juvenile rehabilitation is very crucial to provide proper care and protection to CCL and CNCP. The CCI plays a very important role in juvenile rehabilitation in various ways, and some of these are discussed as follows: -

- i. **Care, Protection and Safe Shelter:** 'Child Care Institutions' provide physical safety, food, clothing, hygiene, and medical care to the CNCP and CCL. The child feels safe and protected from exploitation, trafficking and violence. CCI offers immediate protection and safe accommodation to juveniles who are homeless, abandoned, abused or in Conflict with the law. A protected and stable environment is provided for emotional as well as behavioural healing of juveniles.
- ii. **Psychological and Emotional Healing:** When a CCL or CNCP comes to CCI, he experiences trauma, abuse, neglect and fear influence. In such a situation of a juvenile, CCL or CNCP need an individual counsellor, group therapy and their management programmes, family intervention. Through counselling, the child may restore his emotional healing, behavioural correction, emotional balance and also reduce delinquent tendencies.
- iii. **Educational and Vocational Training:** A Child when comes to CCI may have several physiological issues. To break the cycle of delinquency, education plays a very important role. CCIs facilitate formal schooling for the child as per his needs. There may be a need non formal education, like skills training, digital literacy, vocational skills like tailoring, carpentering, and computer training. The education and vocational training encourage the future independence and encourage the employment prospects of the child. The education of a child is very strongly linked with reduced recidivism.
- iv. **Socialisation and Character Development:** CCIs engage juveniles in activities promoting positive discipline and self-growth. CCIs provide the facilities of sports, cultural programmes, meditation, yoga, value-based education. These activities involve responsibility, confidence and respect for social norms.
- v. **Individual Care Plan:** A very important feature of the JJ Act, 2015, is the Individual Care Plan. Every child receives a personalised plan addressing their background, educational and vocational needs, physiological needs, rehabilitation goals and reintegration timeline. CCIs play a very important role in giving effect to give effect of individual child care plan.
- vi. **Legal Aid and Support:** The CCL get legal representation and assistance during the inquiry for co-ordination with the Juvenile Justice Board, ensuring child friendly judicial



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process. The CCIs help and ensure juveniles understand legal processes and receive fair representation and justice. Through legal representation, the child may effectively participate in legal proceedings.

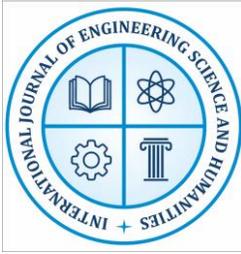
- vii. **Social reintegration and after Care:** The important stage of rehabilitation of a child is social reintegration and after care, in which CCIs sensitise the child through family counselling, community sensitisation, job replacement, financial assistance, independent living support, and continued psychological assistance. When aftercare is properly provided to a juvenile, then the chances of committing the crime again are reduced.

9. Challenges in functioning of Child Care Institutions

The CCIs face different kinds of challenges in functioning to implement the JJ Act, 2015 properly due to several reasons, which reduce the effectiveness of the provisions made for CCL and CNCP.

Following are the certain challenges which reduces the effectiveness of ‘Child Care Institutions’: -

- i. **Inadequate infrastructure:** As per the JJ Act, 2015, CCIs must have proper accommodation, safety measures, separate space for activities, but many of the CCIs are overcrowded, due to which there is a lack of accommodation, proper hygiene and sanitation, and proper food, which leads to improper functioning of a CCI.
- ii. **Shortage of trained staff:** Many of the CCIs face a shortage of trained staff. Without trained staff, the functioning of CCIs is not as effective as it can be as per the provisions of the JJ Act, 2015. There is a lack of counsellors, social workers, psychiatrists, and legal professionals, which impedes the rehabilitation of children.
- iii. **Weak Monitoring Mechanism:** The JJ Act, 2015, provides for inspection of CCIs in particular intervals. Despite the statutory provisions, many of the CCIs remain unsupervised or are supervised for very short periods. Without proper inspection by the inspection committee, the CCIs cannot function in the manner as provided by the law and for the maximum benefit of juvenile.
- iv. **Over Institutionalization:** The child remains in CCI for a very long period of time due to a weak foster care system, broken families, slow legal processes, and poor adoption linkages, which may lead to dependency and emotional stagnation of the juvenile and also can hinder his social development.
- v. **Insufficient after Care Support:** The juvenile does not get enough after-care support as mandated by the JJ Act, 2015, due to which the juvenile faces stigma, unemployment, family rejection, and social isolation. The lack of family and community support increases vulnerability to commit further offences. The CCIs fail



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to provide sufficient after-care support, which is a major challenge in juvenile rehabilitation.¹⁴

10. Recommendations

As discussed in the preceding paragraphs of this paper, the 'Child Care Institutions' face serious challenges in taking proper care and protection of the juvenile as per the JJ Act, 2015. There are so many constraints due to which the CCIs are not able to function properly.¹⁵ Here are certain recommendations which may help to work the CCIs in a better way and to implement the JJ Act, 2015, in letter and spirit.

- i. **Enhancing infrastructure and funding:** For proper functioning of CCIs, to get sufficient and trained staff and to have a congenial atmosphere, proper food and clothing, the requirement of proper funding and good infrastructure are required. For this purpose, the government must allocate adequate resources for the upgradation of facilities, safety and technology within CCIs.
- ii. **Strengthening Human Resources:** For better functioning of CCIs, there must be good human resources, i.e., the trained staff like counsellors, psychologists, legal experts, social workers and caretakers, so that the children in CCIs may get all the benefits as per the JJ Act, 2015. The recruitment of all the aforesaid persons should be strictly as per their quality and education accordingly particular post.
- iii. **Promote Family and Community-based Alternatives:** The first and foremost step towards a juvenile should be to restore him to his family. The alternative care should be the last resort. There must be encouragement for foster care, sponsorship, community support groups and mentorship programmes, alternatively, if a child cannot be restored to his family.
- iv. **Proper Management Inspection and Evaluation:** For proper functioning of CCI, there must be accountability of the staff in CCI. All the CCIs as per the JJ Act, 2015, must be inspected during the mandated time periods. There must be periodic audits regularly, and transparent inspection with child participation is necessary. For accountability independent assessment after interaction with CCL and CNCP is an essential aspect.
- v. **Strengthening After-Care Programmes:** The after-care programmes as provided by the JJ Act, 2015, must be followed in letter and spirit for the success of CCIs. The child should be supported when he leaves the CCI by providing scholarships, job placement, housing support, continuous counselling, training programmes and mentorship. When a juvenile enters the mainstream of society from a CCI, he should also be provided with some financial support also.
- vi. **Introducing integration of CCIs with Schools, NGOs, etc.-** The juvenile residing in CCIs must be integrated with schools and NGOs for educational and vocational training,



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so that his exposure to society may be enhanced. His overall development becomes better. This kind of integration of CCIs with schools and NGOs can enhance various skills in juvenile alongwith education. Such kind of initiatives will help juvenile rehabilitation through the CCIs in a proper manner.

11. Conclusion

‘Child Care Institutions’ are indispensable in India’s juvenile justice framework. They provide immediate care, long-term rehabilitation, and pathways to reintegration. However, their effectiveness is limited by infrastructural gaps, a shortage of trained staff, weak after-care support, and a lack of trauma-informed services.¹⁶

To realize their full rehabilitative potential, CCIs must evolve into child-friendly, evidence-based, professionally managed spaces where children can heal, learn, grow, and reintegrate into society with dignity. Strengthened CCIs can reduce juvenile recidivism, promote child rights, and contribute meaningfully to social justice.

References

1. Constitution of India, arts. 14, 21, 39(e)–(f).
2. Juvenile Justice (Care and Protection of Children) Act, 2015.
3. Id., s. 2(21)
4. Id., ss. 2(12), 2(13), 2(14).
5. *Salil Bali v. Union of India*, (2013) 7 SCC 705.
6. Law Commission of India, 264th Report on Juvenile Justice System (2015).
7. Ved Kumari, *The Juvenile Justice System in India* (OUP 2017).
8. Constitution of India, arts. 14, 15, 21, 39(e)–(f), 45 & 47.
9. Juvenile Justice Act, 2015; JJ Model Rules, 2016.
10. Id.
11. NIPCCD, *Training Manual on Child Care Institutions*.
12. NCPCR, *Guidelines for Inspection of Child Care Institutions*.
13. UNODC, *Handbook on Juvenile Justice* (2006); UNICEF India Reports.
14. *Bachpan Bachao Andolan v. Union of India*, (2011) 5 SCC 1.
15. Ministry of Women & Child Development, ICPS Guidelines (2014); Mission Vatsalya (202s1).
16. UN Convention on the Rights of the Child, 1989.