



CHALLENGES AND PROSPECTS OF CHILD CARE INSTITUTIONS WITH SPECIAL REFERENCE TO GOVERNMENT CHILD CARE INSTITUTIONS IN KOZHIKODE

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ABSTRACT

As per Juvenile Justice Act 2015 JJ Model Rules 2016 it is the responsibility of state government to make sure that the prescribed standards of care is provided in the functioning of CCIs in Kerala. Even if the successive JJ Acts brought in many changes in most of the states it is not up to the level. This article focuses on the prospects and challenges faced by CCIs while providing protective care to 'Child in Need of Care and Protection'. The study focuses on two government Child Care Institutions in Kozhikode (Government Children's Home for Boys and Girls), and After Care Home for Boys and Girls.

KEY WORDS: Juvenile Justice Act, Child Care Institutions, Child in Need of Care and Protection, Juvenile Justice Model Rules, Ministry of Women and Child Development, Integrated Child Protection Scheme

INTRODUCTION

Children constitute principal assets of the country. They are the most vulnerable section in the society. As per 2011 census of India, India is the country which has the highest number of children in the world that is approximately 40 percent of nation's population is children. More than 1/3rd of country's population, i.e. 440 million is below 18 years. As a country's future lies in the healthy growth of children, they have to be protected, educated and well developed, so that they will grow as a productive citizen of the country.

So, the issues related to childcare, child welfare, and child development have always been the increasing attention of Govt. of India. Constitution of India also was fully aware of the responsibility towards children. A lot of legislative enactments have been passed to give effect to the constitutional mandates and International Covenants.

At times children face certain unfavourable condition and became victims of many types of abuse. There is increasing disintegration of joint family system leading to weakening of traditional

support to these children. Poverty, family problem, lack of opportunities, pushes children to margins. Social conflict and both natural and manmade disaster not only make children homeless but also inflict on them psycho-social trauma. These children need special care and protection. In this regard Child Care Institution plays an important role in the holistic development of 'Children in Difficult Circumstances'.

Child Care Institutions and Child in Need of Care and Protection

According to section 1(14) of JJ Act Child in Need of Care and Protection includes all vulnerable children such as orphan, runaway children, children from family at risk, incapacitated parents, mentally and physically challenged children, children who are victims of abuse, child labour, trafficked child, exploited child, child affected by armed conflict, civil unrest, and natural calamities (JJ Act, 2015).

Child Care Institutions is defined the section 2 (21) JJ Act 2015 means Children's Home, Open Shelter, Observation Home, Special Home, Place of



Safety, Specialized Adoption Agency and a Fit Facility under this Act for providing care and protection to children who are in need of such services (MWCD - CIF Report, 2018).

Section 41 of JJ Act 2015 provides for the registration of CCIs. Under the law, all kinds of Institutions, whether run by state, voluntary or non-governmental organizations that provide housing facilities and services for CNCP or CCL (Child in Conflict with Law) have to be registered under the act within a period of 6 months from the date of commencement of this Act. The Act promotes both Institutional and Non- Institutional care of these children. But it considers Institutionalization as the 'last resort' and it should be in the 'best interest of the child'. It should be aimed at educating, rehabilitating and preparing children for their re-integration into society (JJ Act, 2015).

OBJECTIVE OF THE STUDY

The objective of the study is based on the relevance and the prospects and challenges faced by CCIs under JJ Act while providing care and protection to CNCP.

BACKGROUND OF THE STUDY

As per 2011 Census, India has a total population of 1.21 billion and its 39 percentage is child population. Often children face certain unfavourable conditions and are victims of different kinds of abuses, both mental and physical. All these children are 'Children in need of care and protection', and they need full time care and protection. But providing institutional support to these vulnerable children is not an easy task. The JJ Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 were passed to ensure justice, aiming at rehabilitation and reintegration of children back to the society. So, Child Care Institutions have an important role in the overall development of children by providing a child friendly environment for these children (CIF Report, 2016).

Even if several JJ Acts in the country brought in many changes, in several states the CCIs are not keeping the standards of procedure prescribed by the Act. As a result, children in institutional care do not receive the type of care and protection, nurturing and stimulating environment needed for normal and healthy growth of the child. Besides this S 41 of JJ Act provides for the compulsory registration of CCIs. The children residing in the nonregistered institutions have no place to go and as a result they have to be accommodated in the existing registered institutions. The overcrowding will make the problem more severe. In this context what are the challenges facing these institutions is to be analysed, as this situation

will surely adversely affect the fundamental rights of children.

METHODOLOGY

The study focuses on Govt CCIs in Kozhikode. The 2 Children's Home and 2 After Care Home¹ is selected for the study. It includes one Boy's Home and one Girl's Home, one After Care Home for girls and one After Care Home for Boys. Information is collected from primary and secondary sources.

Primary data source is children gone out of CCIs for the last 5 years (2012- 2017). Questionnaire and interview schedule are used to collect data which include questions related with rehabilitation facilities in these institutions. To check the reliability of the response of CNCP, questions almost related with this questionnaire is prepared for the officers of CCI.

Primary data is also collected from important offices related with JJ system. It includes District Child Protection Officer, superintendent of Boy's Home, Girls Home, ACH for boys ACH for girls, Child Welfare Committee chairperson, co-ordinator of Childline and Free Birds.

Secondary data sources are official records of these institutions, website of MWCD, ICPS office Trivandrum, and District Child Protection Office Kozhikode.

PROSPECTS AND CHALLENGES

Child care institutions under JJ Act meant for full time care and protection, holistic development and is preparing for social re-integration. The findings of the study are discussed under the following heads.

In Kozhikode both governmental and NGOs are working for the care and protection of CNCP. Out of the total 64 CCIs, only six CCIs are under government and 58 under NGO. All government CCIs are registered. Out of the total 58 CCIs, working under NGOs 25 are registered and 33 is not registered under JJ Act.

STANDARD OF CHILD CARE FACILITIES

I Lack of infrastructural facilities

¹ Even if the age of the inmates of ACH are above eighteen years and it is not coming under CCIs, it is included in the study because at the age of eighteen at which the child leaves CCIs, he/she may be continuing education and still needs care and protection. To know the challenges faced by ACH while providing rehabilitation and reintegration facilities these two are included in the study



In both children's home and ACHs, the main problem facing is lack of proper and adequate infrastructural facilities. Security provisions are also not there. No boundary wall or fencing, No CC TV and permanent watchman. No separate space for outdoor games and activities. Inadequate library and internet facility.

2 Absence of adequate and professional staff

Most of the posts are vacant or filled on temporary or contract basis. As CCIs are 'home away from home' for a child, it is expected that the care taker or other staff of the institutions are keeping intimacy with the children by knowing them personally. But due to transfer and other such matters they cannot keep contact with the children. Children are often not ready to hear and obey the authority. Due to legal and other problems, the staff are reluctant to impose pressure on them. Most of the important posts like counsellor, medical staff, special instructor for children with special needs, watchman, vocational trainer and office staff are vacant. The services of them make available when needed. But often it is delayed or not at all available.

3 Low rate of non-institutional care

Biological family is the right of the child and institutionalisation is the last resort for a child. But in the case of CCIs of Kozhikode, it can be seen that for the period 2012-17, the child sent for non-institutional care such as adoption, foster care, sponsorship and after care is very low. Children are admitted to the CCIs without making due enquiry about the possibilities of non-institutional care.

4 Limitation of vocational training and absence of placement services

Absence of vocational training or job placement services is an important problem in both government CCIs of Kozhikode, and this seriously affect their social reintegration after they leave the institution. If there is such programme it is limited to few days or a week, which is no use for the children. There is no special trainer or instructor in both CCIs and ACHs. There is also no provision for job placement who completes professional or other courses and leave the institutions.

5. Grievance Redressal Mechanism

In both children's Homes complaint box is kept in a safe and private place. Children utilise it, and involved in various committees. Adequate follow-up is there. But in both ACHs there is no complaint box and management committee is not functioning properly. Often inmates have no opportunity to express their views and concerns.

6. Education only in government schools.

Even if these institutions give most important attention for the education of all children admitted, the main issue facing is there is provision only for studying in government schools. When there is

children from outside the state they cannot follow the medium of instruction of Kerala government schools. Result is that child cannot temporarily go to school. This may affect child's expectation and potential.

7. Inadequacy of training and classes

All staff of the institutions are supposed to be familiar with the provisions of JJ Act and other laws related with the children to provide quality service to them. But in all these institutions these types of classes are often insufficient which adversely affect the working of the inmates of the institutions.

8 Absence of special care for children of different types

Emotional support, special care for the exceptional child with strange behaviour is almost absent in all these child care institutions, as their needs are different. They are from different background with different experiences. They need love, care and attention. Often due to various reasons, these cannot be provided. This has various types of implications in their future life.

9 No separate places for different types of children

Even if CCIs are meant for CNCP, often child released by Juvenile Justice Board is also placed in children's home for boys and girls. They may have criminal tendency and other such strange behaviour. This may affect other children and they may also be disturbed. There are street children, orphan and abused children. Due to lack of facilities they are placed in the same home. This will result in various types of problems among them.

10 Medical care

Even if there is provision in the JJ Act for fulltime doctor, staff nurse and paramedical staff there is no permanent appointment. There is also first aid facilities. But all staff available is not trained to use these facilities.

11 Recreational facility

Facilities are available in all these institutions for the mental, emotional and intellectual enhancement of children. CCIs promotes and encourages sports and games, music and cultural activities. The main problem for all these institutions are, there is no separate ground or courtyard for the outdoor games.

12 Documents related with the child.

When the child is admitted to the institution, a case file related with the child is to be made. It includes all matters related with the child and is to be updated accordingly. In both CCIs these documents are keeping properly. But in ACH for boys and girls, it is not so easy to make all these documents, as the personal information of inmates is often not available.

13 Adherence to the JJ Act

Both children's homes working according to the provisions of JJ Act. They are trying their level best



to provide the children the best opportunities and facilities within the limitation. But in ACH for boys and girls, due to inadequate staff and infrastructural facility, often they cannot provide the quality service directed by JJ Act.

14 Lack of awareness among inmates and public
Most of the people are not aware of the facilities of CCIs. This staff and inmates are also ignored about many of the provisions which is meant for the rehabilitation of CNCP.

15 Lack of after care and follow-up
The child should leave the CCI at 18 years. At this age he/she does not attain self-sufficiency. They may be studying. They cannot find a job at this age. Most of them go back home (often may not be a safe place). Another option is shift to ACH. But the situation of ACHs are very pathetic. In Kozhikode ACH there is lacking of everything. No vocational programme, no orientation programme, lack of staff, cannot control the inmates etc aggravates the problem. There is not much provisions in the JJ Act about the follow-up of these helpless children. Open the cycle starts again.

SUGGESTIONS

The successive JJ Act brought in many changes. But in several terms, related with the intellectual and emotional growth of the child is not up to the level.

The staff and ministry is dedicated. But in the implementation stage, problems arise. On the basis of the above study, there are some suggestions to overcome the challenges faced by these rehabilitation institutions.

1. The main problem facing these institutions are lack of adequate infrastructure facilities. Separate library and reading room, counselling room, adequate wash and toilet room, boundary wall, separate space for outdoor games, quarantine rooms are not seen. Provision for this is to be made.
2. Lack of adequate, trained and qualified staff adversely affect the entire system. The staff closes to the children must be carefully appointed and some mandatory training programme should be attended.
3. Children in institutional care do not receive the type of nurturing and encouraging environment for the healthy and psychological development. There is no long-term vision for the children. They need something more than mere food, shelter and education. Each child is unique. More arrangements should be made to know and encourage the taste and potential of each child.
4. Information about what happens to these children after they leave the institution is needed. After care system is almost a failure. It fails to

arrange programmes for the social re-integration with society. Most of the inmates gone out of CCIs and ACH is not at all attained the desired goals.

5. CCI should make facilities for vocational training, job-oriented course and life skill training with the help of trained instructor and certificate should be given on the course completed which will be useful to them in future.
6. The department should organise classes for the public regarding the importance of non-institutional care like adoption, Foster care, sponsorship and after care. Efforts should be made for family based institutional care. Department of Social Justice can make sure that there is no procedural delay for non-institutional care.
7. Grievance redressal mechanism like functioning of management committee and children's committee should be strengthened, so that children get opportunity to express their views and opinions.
8. There should be separate homes for different types of children, so that proper care and attention according to their need can be given.
9. Properly monitor the functioning of CCIs. so that the problem facing by these institutions can be addressed time bound and appropriate action can be taken against those CCIs who are not following the norms of JJ system.
10. Funds should be utilised for sending them to private schools and other institutions if the child requires so.

CONCLUSION

'Children In Difficult Circumstances' deprive many of the necessities of life. They need special care and protection. Even if biological family is the right of the child, sometimes it may not be a safe place for the child. Here comes the relevance of Child Care Institutions. Staying long period in institutions cause mental problems like 'institutional syndrome' in children. So only when there is no other options of non-institutional care, placing in CCI is to be considered. It is also understood that CCIs can give the desired level of protection to these helpless children. The main problem of many of the CCIs is the lack of infrastructural facilities and adequate staff. But by giving special attention and proper intervention by the authority, the facilities of these institutions can be improved. It will help for the rehabilitation and re- integration of CNCP as directed by JJ Act.

On the basis of the study of Govt CCIs in Kozhikode, some suggestions have been made. There may also other issues concerning these institutions. But the present study confined to these aspects.



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