

Specialized Training Programme for District and Additional Sessions Judge (Nominated as Visitor Judges)

By:

Shri Samresh Singh

Secretary, Juvenile Justice Committee

High Court of Madhya Pradesh

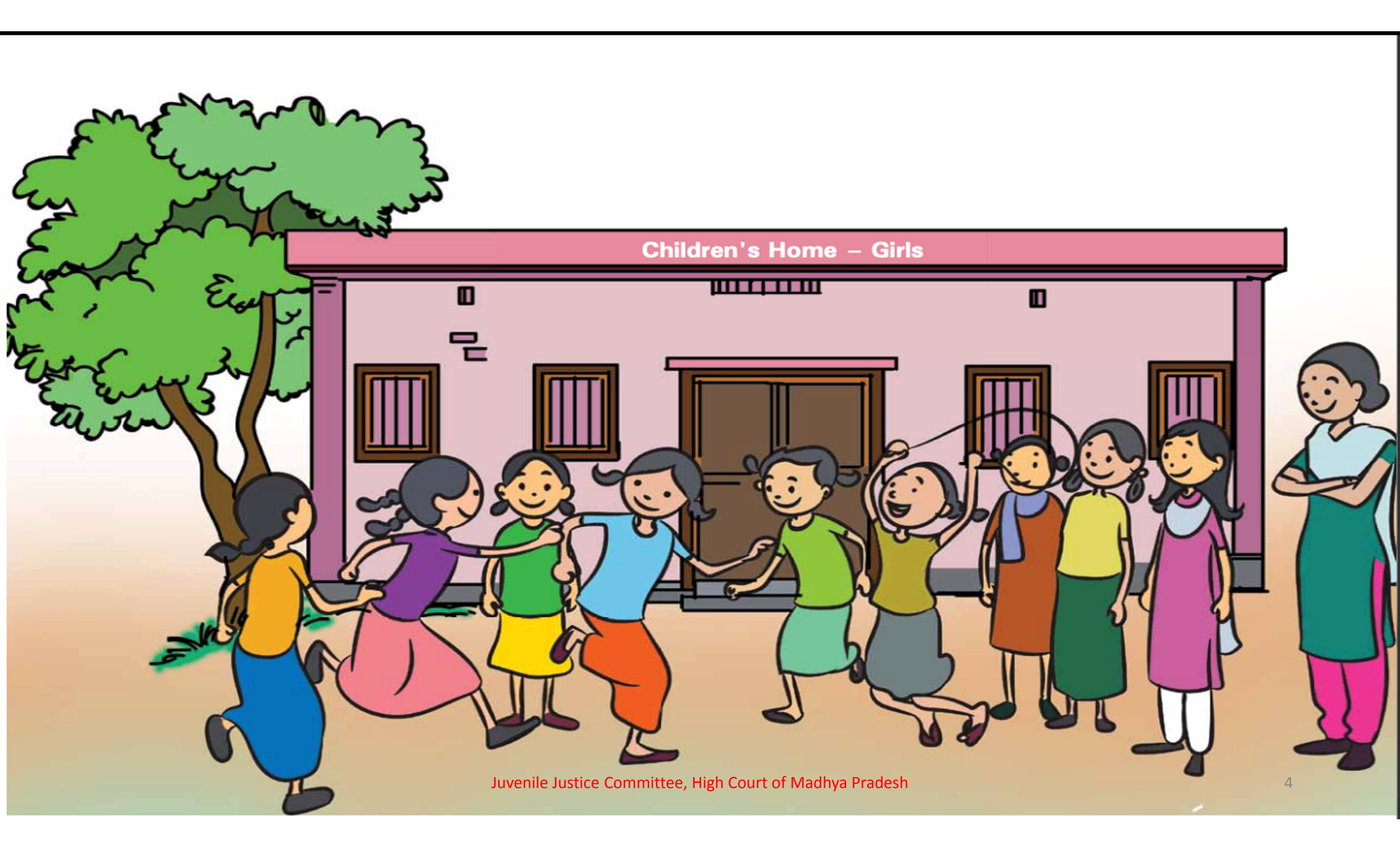
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Monitoring issues of Child Care Institutions and Child Welfare Committee

Need of Detailed Reports

- The Juvenile Justice Committee, the High Courts were established to monitor the implementation of Juvenile Justice Act, 2015 in respective States.
- To monitor the Standards of Care in CCIs, JJC relies heavily on the reports of Visitor Judges.
- If the reports of Visitor Judges are incomplete or not detailed then the ground reality presented in the reports are often misleading and does not support in effective monitoring of the CCIs.
- The reports of the Visitor Judges are compiled and analyzed to derive the actual situation of CCIs which is forwarded to the Department of Women and Child Development, Bhopal for resolving the issues of the CCIs at the State Level.
- Some times it is also seen that the inspections made by JJC and its experience of conducting district functionaries meetings, the situation of the CCIs are totally different from the reports submitted by Visitor Judges.



Children's Home – Girls

General Standard of Care in CCIs

- The CCI shall be registered under the Juvenile Justice (Care and Protection of Children) Act, 2015.
- The CCI must subscribe to the benchmarks prescribed under the Juvenile Justice Act and the Rules framed there under.
- Verification of the credentials by the State Government of CCIs run by non- Government organisations.
- Mandatory Police verification of the CCI staff
- Separate CCIs shall be run for boys and girls above the age of six years
- Support to any CCI shall be extended based on the need assessment report of District Magistrate
- The location and size of an institution in a particular city or town would depend on the caseload of children in conflict with law committed by the Juvenile Justice Board and children in need of care and protection referred by the Child Welfare Committee.
- CCIs for children in need of care and protection and children in conflict with law shall run from separate premises.

General Standard of Care in CCIs

- Institutions must be located in a congenial child friendly environment in natural surroundings with adequate open space for children to engage in outdoor activities.
- Every institution should be well connected by various modes of transportation and be within the vicinity of schools and technical and other vocational training institutions so that they are easily accessible to the children in conflict with law/children in need of care & protection.
- All the CCIs shall be supported for same set of facilities and quality of services, irrespective of children being in conflict with law or in need of care and protection.
- States/UTs shall introduce age-appropriate education, access to vocational training, recreation, bridge education, linkages to the National Open School Program (NOSP), health care, counselling etc., in CCIs;
- Specific short term suitable certificate courses and skill training certificate courses for children in the CCIs in the age group of 14-18 years, may be imparted.
- The CCIs shall be compliant with the conditions of minimum standards of care as prescribed in the Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

Monitoring issues in CCIs

- Registration
- Functioning of CCI
- Management Committee
- Physical infrastructure
- Staff
- Training of Staff
- Prevention and Protection from abuse
- Daily Routine
- Bedding hygiene
- Health care
- Education
- Recreation
- Individual Case Record
- Maintenance of Records
- Inspections
- Programmatic linkages
- Security

Registration of CCI (Section 41 & 42 of JJ Act 2015)

- The JJ Act allows institutional facilities for children to be set up by both government and non-government organisations (NGOs).
- 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 Act having been enacted
- As pr 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 MP, registration of CCIs is valid only for 5 years, post the period every CCI must file for renewal of Registration.

Functioning of CCIs

- Every Registered CCI has a Sanctioned capacity of children.
- CCIs must not accommodate children more than the sanctioned capacity.
- For ex. A CCI for CNCP with sanctioned capacity of 25 is residing 29 children.
- Then CWC must either:-
 - Shift the children to other CCI/
 - Deinstitutionalize children and restore them to biological parents/
 - Transfer children from other states to their concerned states.

Management Committee (Rule 39 of JJ Rules 2016)

- Management Committees must be constituted in every CCI.
- These committees must conduct meetings on monthly basis.
- Records of the meeting and minutes of the meetings must be maintained by the concerned CCI.
- The Management Committee must install a children suggestion box in the CCI
- DCPU must compile the recommendation of committee and suggestions from Children suggestion box on monthly basis and submit detailed report to district magistrate.

Physical Infrastructure (Rule 29 JJ Rules, 2016)

- The CCIs must have dormitories for the children live.
- A kitchen, counselling room, dining hall, storeroom, record room, office room and class rooms are must as per Rule 29.
- Along with these outdoor area must be available for recreational activities for children.
- Separate living area for children below the age of 10.
- Proper boundary wall and fencing should be available
- The condition of the infrastructure must be in good shape especially the roof and ceiling of the CCIs.

Institutional Facility Rule 26, JJ Rules, 2016)

- The CCI must have emergency number listed on their walls
- Duty chart, Menu chart and attendance status of children and staff must be placed on the walls.
- Facilities and support like equipments, learning material aid for children in special needs must be available like visual, intellectual needs and hearing needs.
- DWCD and Dept of Social Justice are responsible for providing equipments for children in special needs
- Privacy of children must be maintained in toilets and bathing areas.
- Safe and purifying drinking water must be available for the children.

Staff Rule 26 (Rule 29 & 38 JJ Rules, 2016)

- The number of staff required for a CCIs are providing in rule 26 but in reality CCIs do not have adequate staff even to run the institution.
- In such case we must ensure that bear minimum facilities are at least available in the CCIs like:-
 - Superintendent,
 - House father, House mother,
 - Cook,
 - Educator(Dept School Education),
 - Counsellor,
 - Helper,
 - Para-medical staff (Health Dept)
 - and security personnel.
- Female staff must be appointed for CCIs provide residence to girls.

Child Care Facility (Rule 29 & 38 JJ Rules, 2016)

- Individual beds must be available for all the children.
- Bunk beds must not be provide to children above the age of 10 years.
- Children must be segregated as per their age groups and gender.
- Availability of safe and enough toys for children and these toys must be accessible to children.

Prevention and Protection from Abuse (Rule 76 JJ Rules, 2016)

- Children must be made aware about safe and unsafe touch.
- Standing Operating Procedure must be available for child protection in the CCIs and these SOPs must be adhere by the staff and management.
- The CCIs must have functional and accessible complaint and grievance redressal mechanism
 - Suggestions box
 - Child helpline number
 - Suggestion and Compliant Book

Security

- All CCTV cameras must be functional and covered prominent entry and exist point of the CCIs.
- The CCTV must have 03 months backup
- The CCIs must have 09 security guards. But, presently home department is providing 04 security guards to each CCIs. It must be ensured that these guards are physically fit and available on duty.

Daily Routine (Rule 32 JJ Rules, 2016)

- Children must have a daily routine activities.
- The daily routine must be drawn up in consultation in children committee.
- The daily routine must be display on public display at prominent place in CCIs.
- This is to ensure the holistic development of children as the CCIs must devote time for education, recreational and skill training activities of children.

Health Care (Rule 34 & 35 JJ Rules, 2016)

- Every child must go health check on admission.
- Children must have regular check on monthly basis at least.
- The records of the health must be maintained in health card.
- Mandatory immunization of every children must be ensured.
- Staff of the CCIs must have adequate training for providing first aid support to children.

Education (Rule 36, 37 and 69 JJ Rules, 2016)

- Educational assessment of every child must be conducted at the time of their admission.
- All children must be provided age appropriate formal education.
- This must be ensured by DWCD and School Education.
- In CCIs like Observation Home, Place of Safety & Special Home 02 teachers from school education must provide education facilities to children of these CCIs.

Admission and Reporting (Section 31/Rule 18) & (Section 10/Rule 9)

- All children in the CCI must be housed only in compliance of orders of CWC & JJB.
- All children admitted in home must be produced before CWC and JJB.
- Case history of the children must be submitted before CWC within stipulated time.
- Home must make efforts to trace the biological family of the child.

Individual Care Plan (Form 7)

- Individual Care Plan for every child must be prepared on Form-7 of JJ Rules, 2022.
- ICP is divided in 04 parts A,B,C & D.
- Part-A must be filled in within 15 days of admission of the child.
- Part-B must be filled to see the progress of the child while residing in CCIs. It is to be filled for every fortnight in 03 months then every month till the child is residing in the CCIs.
- Part-C must be filled within 15 days of child release from the CCIs.
- Part-D must be used for follow up of the child on Fifteenth day after completion of 02 months and 06 months to inquire about the status of the child.
- The findings of the ICP must be implemented by the CCIs.
- ICP must be develop only by the trained person.

Nutrition (Rule 33 JJ Rules, 2016)

- The CCIs must plan the meals in consultation with children.
- The staff must be aware of nutritional requirements of children.
- Birth days of children must be celebrated in the CCIs
- Special meals must be available during festivals and occasion
- Special diet must be provide to sick children as prescribed by the Doctor.

Clothing, Bedding & Hygiene (Rule 30 JJ Rules, 2016)

- All children must be provide individual clean and seasonally appropriate sleeping materials like : Bedsheet and Blanket.
- Sleeping material must be clean and sanitize.
- Each children must have secured space to keep personal belongings.

Registers (Rule 77 JJ Rules, 2016)

- The CCIs must ensure maintenance :
 - Master admission and Discharge register
 - Case file of each child
 - Medical file and Medical report of each child
 - Attendance register of children and staff
 - Visitor book

Recreation (Rule 38, JJ Rules, 2016)

- Indoor and Outdoor recreational facilities must be available for children.
- Innovative activities must be developed and incorporated for recreational activities of children.

Inspection

- The District Inspection Committee (DIC) comprising of district level officers under the chairpersonship of District Collector must make quarterly visits the CCI.
- The reports of the quarterly visits of DIC must be prepared on Form-46.
- CWC & JJB must conduct inspections of the CCI. The reports of Visitor Judges must provides the dates on which inspection conduct by both Board and Committee of CCI.

Programmatic Linkage

- The services within the CCl is the domain of various other departments along with DWCD.

Services in CCl	Concerned Department
• Medical care and mental health services	Health Department
• Educational facilities	Department of School Education
• Vocational Training	Department of Technical Education
• Legal aid	DLSA/MPSLSA
• De-addiction Services	Department of Social Justice
• Recreational activities	Department of Sports and Youth Welfare
• Special Needs of children	Department of Social Justice

Issues in Inspection of CCIs

General Issues

- Reports from the Visitor Judges are not submitted on time. It is expected to reach JJC within 15 days of closing of quarter. **Ex: Report for Jan-Mar must reach by 15th April.**
- Reports from the Visitor Judges are being submitted on the previous formats.
- No follow ups are done on the issues highlighted in the reports of CCIs.
- Detailed reports are not provided by the Visitor Judges. The reports only contain Yes/No as answers which makes it difficult for JJC to analysis the ground situation.
- The new format provides space for observations and suggestions but unfortunately no observations and suggestions are received on the format as if inspections are never made to the CCIs.

Specific Issues

- Some reports of Visitor Judges are repetitive in nature as the same report is being forwarded every quarter for the CCIs.
- Even duplicate reports are submitted for different CCIs of the district. The comments and observations of different CCIs inspection reports are verbatim and same.
- After analyzation of the reports, some reports seemed to be filled by the staff of the CCIs.
- Reports are not filled after having conversation with children residing in the CCIs.

Resolving the issues highlighted in inspections

- The issues faced in the CCIs must be reported to:–
 1. Superintendent of the concerned CCI
 2. District Child Protection Unit (DCPU)
 3. JJB (in case of Observation home/special home/ Place of safety)
 4. CWC (in case of Children home/ Open shelter/ SAA/ Fit Facility)

If not resolved, the issues can be conveyed to:-

1. Chairperson, District Child Protection Committee (DCPC)/ Chairperson, District Inspection Committee (DIC)
2. Juvenile Justice Committee, High Court of Madhya Pradesh

Monitoring of Child Welfare Committee

- During Child Welfare Committee (CWCs) inspection VJs must look into the **number of support person identified and whether POCSO cases are being referred to support persons.**
- POCSO Survivors must be provided with Special Relief by the CWCs.
- POCSO Survivors must be entitled for free legal aid.
- VJs must inquire about **number of potential foster parents identified in the district and number of children placed in foster care in the district.**

Child Welfare Committee

- De-intititutionalization must be the focus and children from other States or districts must be transferred to concerned places.
- Children aware of their biological parents must be restored back to them.
- CCIs must put efforts to trace biological parents of remaining children to reduce the residence number in CCIs.
- VJs must monitor that children are timely declared legally free for adoption.

Q & A