

MOST IMMEDIATE

सुधीर कुमार

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सत्यमेव जयते

D.O.No. 1-4/2011-CW.II

भारत सरकार

महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली - 110001

Government of India
Ministry of Women & Child Development
Shastri Bhawan, New Delhi-110001
Website : <http://www.wcd.nic.in>

dated the 12th April, 2012

Dear

Kindly refer to d.o. letter of even number dated 14th March, 2012 from Secretary, Ministry of Women & Child Development regarding registration of Child Care Institutions (CCIs) under the Juvenile Justice (Care and Protection of Children) Act, 2000. Recently, a few incidences of abuse of children in Homes, which are already registered by the State Governments, have been brought to our notice. On further enquiry, it is learnt that Inspection Committees, as provided under Section 35 of JJ Act, have either not been formed in such States or the frequency of their inspections is not adequate. The Model Rules under the Act prescribe quarterly inspection by the Committee.

2. I would like to bring to your notice the various provisions regarding monitoring of Home under the JJ Act and Rules which, inter-alia, include quarterly inspections by the Inspection Committees, duly appointed by a Selection Committee under Rule 91 of the Model Rules; monthly meetings of Management Committees constituted under Rules 55 of Model Rules; constitution of Children Committees under rule 56 and quarterly inspections by Members of Child Welfare Committees (CWCs). I am enclosing extracts of such provisions under the Act and Central Model Rules for ready reference.

3. May I request you that, in the interest of well being of the children in the Homes, these structures and processes are immediately put in place and concerned officials sensitised to their responsibilities so that proper monitoring and feedback is ensured in the Homes in your State

With regards.

Yours sincerely,

Encl: as above.


(Sudhir Kumar)

Chief Secretaries/Administrators of States/UTs except J&K

By Speed Post
with enc
12/4/12

Provisions in JJ Act for Monitoring of Homes

(a) **Section 34 (3)** of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) provides for **mandatory registration of all Child Care Institution (CCI)** housing children in need of care and protection with the intent of enforcing minimum standards of care for the services provided for children in these Homes.

(b) **Section 35** of the JJ Act provides appointment of the **Inspection committees** by the State Governments for the State, a district and city, as the case may be, for the Children's Homes. The Committee is required to have representatives from the State Government, Child Welfare Committee, voluntary organisations as well as medical experts and social workers.

Rule 60 provides for constitution of inspection committee on recommendation of selection committee under Rule 91. The Inspection Committee (not less than 3 members together) is required to visit every institution once in 3 months, either with prior intimation or on surprise visit. It is to oversee the conditions in the Homes and appropriateness of the processes for safety, well-being, standards of care for children and also look out for cases of child rights violation.

Reports are to be submitted to state governments and DCPU.

So far inspection committees have been constituted by 15 State/UTs, namely, Andaman & Nicobar Islands, Arunachal Pradesh, Bihar, Chandigarh, Chhatisgarh, Delhi, Goa, Haryana, Karnataka, Kerala, Madhya Pradesh, Mizoram, Nagaland, Punjab and Sikkim.

(c) **Section 36** of the JJ Act provides for **Social Audit** under the Act for monitoring and evaluation of institutions. **Rule 66** provides for annual monitoring and evaluation by Central or State Government of the implementation of the Act, including, inter alia, functioning of institutions. Social Audit is to be done with support and involvement of organisations working in the field of mental health, child care and protection NIPCCD, ICW, DIF, SSWBs, Schools of Social Work and Schools of Law.

(d) Chapter VI of the Model Rules framed under the JJ Act provides minimum standards of care to be maintained in the Homes including physical infrastructure; staff; daily need of the child including food; clothing; medicines; education; vocational training; management of individual case file; provision of Inspection Committee and Children Committee etc.

(e) Rule 60 of the Model Rules framed under the JJ Act also prescribes comprehensive measures to respond in case of any kind of abuse, including sexual abuse, neglect and maltreatment is noticed in the CCI.

(f) Rule 25 (p) of the Model Rules framed under the JJ Act provides that Child Welfare Committee shall visit each institution where children are sent for care and protection or adoption at least once in three months to review the condition of children in institutions, with support of the State Government and suggest necessary action.

(g) Rule 55 of the provides for setting up of a Management Committee for every institution for the management of the institution and monitoring the progress of every juvenile and child. The Management Committee is required to consist of the following personnel:

District Child Protection Officer (District Child Protection Unit) -
Chairperson
(If DCPU not constituted, District Magistrate or Collector or his nominee)

Officer-in-charge - Member

Secretary

Probation Officer or Child Welfare Officer or Case Worker - Member

Medical Officer - Member

Psychologist or Counsellor - Member

Workshop Supervisor or Instructor in Vocation - Member

Teacher - Member

Social Worker Member of Juvenile Justice Board or
Child Welfare Committee - Member

A juvenile or child representative from each of the Children's
Committees (on a monthly rotation basis to ensure
representation of juveniles or children from all age groups) - Member

Representatives from voluntary organizations - Special invitee involved in providing professional and technical services like education, vocational training, psychosocial care, mental health intervention and legal aid

The Management Committee shall meet every month to consider and review inter alia the facilities in the Home, individual problems of juveniles and children, provision of legal aid services, vocational training, education and life skills development programmes, review of progress, adjustment and modification of residential programmes to the needs of the juveniles and children etc.

(h) Rule 56 of the Model Rules provides for facilitation of setting up of Children's Committees in every institution by the Officer-in-Charge for three different age groups of 6-10 years, 11-15 years and 16-18 years. Such Committee is required to meet every month and encouraged to participate in following activities:

- (a) improvement of the condition of the institution;
- (b) reviewing the standards of care being followed;
- (c) preparing daily routine and diet scale;
- (d) developing educational, vocational and recreation plans;
- (e) supporting each other in managing crisis;
- (f) reporting abuse and exploitation by peers and caregivers;
- (g) creative expression of their views through wall papers or newsletters or paintings or music or theater;
- (h) management of institution through the Management Committee.

The Officer-in-Charge shall ensure that the Children's Committees maintain a register for recording the activities and proceedings, and place it before the Management Committee in their monthly meetings.

The Management Committee shall seek a report from the Officer-in-Charge on the setting up and functioning of the Children's Committees, review these reports in their monthly meetings and take necessary action where required.

(i) Rule 55 (7) of the Model Rules provides for setting up of a complaint and redress mechanism in every institution and a Children's Suggestion Box is required to be installed in every institution at a place easily accessible to juveniles and children away from the office set up and

closer to the residence or rooms or dormitories of the children. The key to the Suggestion Box shall remain in the custody of the Chairperson of the Management Committee and shall be checked every week by the him or his representative from District Child Protection Unit, in the presence of the members of the Children's Committees.

If there is a problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Management Committee to discuss and take necessary action. The quorum for conducting the emergency meetings shall be five members, including two members of Children's Committees, Chairperson of the Management Committee, Member of Committee or the Board as the case may be and the Officer-in-Charge of the institution.

In the event of a serious allegation or complaint against the Officer-in-Charge of the institution, he shall not be part of the emergency meeting and another available member of the Management Committee shall be included in his place.

All suggestions received through the suggestion box and action taken as a result of the decisions made in the emergency meeting or action required to be taken are required to be placed for discussion and review in the monthly meeting of the Management Committee.

(j) The Rules also provide for a Children's Suggestion Book to be maintained in every institution where the complaints and action taken by the Management Committee are duly recorded and such action and follow up shall be communicated to the Children's Committees after every monthly meeting of the Management Committee. The Board or Committee is required to review the Children's Suggestion Book at least once in three months.

Formation of Inspection
Committee for monitoring of Homes.