

Challenges and Prospects of Child Care Institutions in Kerala

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Abstract

As per the Juvenile Justice(Care and protection of Children) Act, 2015, all Child Care Institutions in India which are run by State Government or by voluntary or non-governmental organizations shall be registered under the Act. But this was not strictly enforced until 5th May, 2017. The Honorable Supreme Court of India directed that all unregistered Child Care Institutions should be registered by 31st December, 2017. This article focuses on the prospects and challenges faced by Child Care Institutions during the registration process, as perceived by authorities and civil society organizations. This registration has also put the life of children at these institutions at stake. The primary data were collected from key informants who are functionaries in Child Care Institutions and authorities of in charge of monitoring Child Care Institutions. Secondary data was elicited from newspaper reports and magazine articles. The researchers interviewed the District Child Protection Officer, District Coordinator – Childline, and Chairperson of Child Rights Commission. The study focuses on three Child Care institutions functioning in Thiruvananthapuram.

Key Words: Juvenile Justice (Care and Protection of Children) Act, Child Care Institution (CCI), Registration

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Introduction

As a welfare state, India and its constitution guarantees certain fundamental rights and freedom to all its citizens. The Directive Principles of State Policy also support the concept of a welfare State, as they are to be borne in mind while carrying on the State administration. These constitutional provisions direct the government to strive continuously for the welfare of its citizens, especially children. Children constitute principal assets of any country. The best way to develop the nation's human resource is to develop the children.

India is the country which has the highest number of children in the world, approximately 40 per cent of the nation's population is children. As per the 2011 Census of India, the child sex ratio (0-6 years) has shown a decline from 927 females per thousand males in 2001 to 919 females per thousand males in 2011. In Kerala there is an increase in child sex ratio from 960 in 2001 to 964 in 2011. Malnutrition is one of the major problem faced by children in India and as per UNICEF statistics 20 per cent of children less than five years of age suffer from wasting due to acute under-nutrition. 43 per cent of Indian children below five years are underweight and 48 per cent (i.e. 61 million children) are stunted due to chronic under-nutrition. India accounts for more than 3 out of every 10 stunted children in the world (UNICEF India, 2018).

In India there is a drastic increase in crimes against children by a whopping 13 per cent, from 94,172 in 2015 to 1,06,958 in 2016. While kidnapping and abduction accounted for 52.3 per cent of the cases, cases under Protection of Children from Sexual Offences Act, 2012 (POCSO) were at a worrying 34.4 per cent (National Crime Records Bureau, 2017). To the already perilous situation of children, there are other factors that jeopardize their safety. Family plays a vital role in the nurturing of a child's personality, behaviour, attitudes etc. But unfortunately, in today's rapidly growing world, many children are denied of this nurture from the primary social institution, family. This may be due to a multitude of reasons such as marital discord, divorce, extra marital affairs of parents, death of parents, single parenthood, economic issues, illiteracy, etc. As per the government data, Family courts in the prosperous, southern state of Kerala deals five divorce cases every hour in 2014 and 130 per day – it is more than any of the 12 Indian states that compile such data (Indo-Asian News Service, 2016). Being pushed out of their families they end

up in institutions meant for the care and protection of children. These situations against children have led to the various acts in India which have been implemented to ensure the safety and protection of children such as the Protection of Children from Sexual Offences Act (2012), the Prohibition of Child Marriage Act (2006), the Juvenile Justice Act (2015) etc. The Juvenile Justice Act, 2015 is one of the important acts for the children in India. It is an Act dealing with children in need of care and protection and children in conflict with law, by providing for proper care, protection and treatment by catering to their developmental needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children respectively. This Act also aims for the ultimate rehabilitation of children through various institutions established under the Act.

Following the 2015 amendment of Juvenile Justice Act, the Supreme Court strictly ruled guiding institutions dealing with children to register. Many institutions which provides care and protection to children are confused about the rules and regulations of the Act. There are certain rules that are 'mandatory' and others 'suggested'. Given the fluidity of the situation, the institutions are ambivalent regarding which among these are to be abided by. The present report is based on a case study regarding the issues faced by the institutions following the deft implementation of 2015 amendment of the Juvenile Justice Act by the Government.

The objective of the study is to understand the prospects and challenges faced by child care institutions in the wake of the Juvenile Justice Act (Amendment) 2015, as perceived by authorities and civil society organisations.

Review of Literature

1. Juvenile Justice Act: Definition and Procedures

In 1986, Juvenile Justice Act came into force on all states of India, except Jammu and Kashmir. This Act was implemented as an outcome of a writ by Ms Sheela Barse (Writ Petition (Criminal) No.1451 of 1985, under Article 32 of the Constitution of India) demanding various directions for physically and mentally different children and abandoned or destitute children, who are lodged in various jails in the country for 'safe custody' (Bhagavati, 1986). It was directed that children should not be put in common prisons, but instead,

must be treated in separate institutions provided with corrective measures and also provide them adequate medical care and give opportunities for training in various skills which would make them independent and self-reliant. The subsequent amendment of the Juvenile Justice Act in 2000 was brought about to attain compliance with the 1989 UN Convention on the Rights of the Child (UNCRC) which India ratified with the UNCRC in 1992. This act was subsequently amended in 2006 and 2010.

After the incident of Delhi gang rape (16 Dec 2012), the law suffered a nationwide criticism owing to its ineffectiveness in curbing heinous crimes such as rape and murder which involves juveniles. On 7th May 2015 a reformed Bill was passed in the Lok Sabha as an after effect of the Delhi Rape Case of December, 2012, in which a minor was alleged guilty of the heinous crime. The new Bill permits minors in the age group of 16-18 years, to be tried as adults, if they commit heinous crimes. As per the amendment, the case will be examined by the Juvenile Justice Board, to ascertain if the crime was committed as a 'child' or an 'adult' (Gupta, 2016).

As per the amendment in Juvenile Justice Act, it defines a 'child in need of care and protection'. As per definition under the act a 'child in need of care and protection' is one, who:

- a. Has been abandoned or orphaned or is without visible means
- b. Shows behaviour which cannot be controlled by the parent or care-giver
- c. Lives or works on the street or begs for a living
- d. Is addicted to a dependence-producing substance and is without any support to obtain treatment for such dependency
- e. Has been exploited or lives in circumstances that expose the child to exploitation
- f. Lives in or is exposed to circumstances which may seriously harm that child's physical, mental or social well-being
- g. May be at risk if returned to the custody of the parent, guardian or care-giver of the child as there is reason to believe that he or she will live in or be exposed to circumstances which may seriously harm the physical, mental or social well-being of the child
- g. Is in a state of physical or mental neglect; or
- h. Is being maltreated, abused, deliberately neglected or degraded by a par-

ent, a care-giver, a person who has PR&R or a family member of the child or by a person under whose control the child is.

It also defines 'child in need of care and protection' as a child, who is a victim of child labour; and a child, in a child-headed household (Juvenile Justice (Care and protection of children) Act, 2015).

As per the Act, any child who is found to be 'in need of care and protection', is to be produced before the Child Welfare Committee (CWC), within 24 hours of being found. The Act demands for mandatory reporting of a child found separated from the guardian and if failed to do so is a punishable offence. The CWC is to send the child in need of care and protection to the appropriate Child Care Institution and direct a Social Worker, Case Worker or the Child Welfare Officer to conduct the social investigation within 15 days of receiving the child. As per the Act, the CWCs shall meet at least 20 days in a month and the District Magistrate shall conduct a quarterly review of the functioning of the CWC.

According to JJ Act 2015, child care institution means childrens home, open shelter, observation home, special home, place of safety, specialized adoption agency and a fit facility recognized under the act for providing care and protection to children, who are in need of such services. Children in conflict with law are provided residential care and protection in Observation Homes, Special Homes and Places of Safety.

The rules and regulations of the Juvenile Justice Act (Amendment, 2015) states certain mandatory and suggested rules which are to be followed by the Child Care Institutions (CCI). The personnel strength of a CCI is determined according to the number of children in the institution and the category of children. The Act suggests a staffing pattern for a CCI with 100 children, with 25 staff members. Many CCIs have failed to understand that this is a suggested pattern and not a mandatory rule. This misinterpretation has led to issue of non-registration to the Juvenile Justice Act (Amendment, 2015).

A CCI is considered as a fit facility considering the mandatory rules of:

- a. Meeting the basic standards of care and protection to the child
- b. Providing basic services to any child placed with it
- c. Protecting the child from any form of cruelty or exploitation or neglect or abuse of any kind

d. Abide by the orders passed by the Board or the Committee

A child in need of 'care and protection' will be placed in a Children's Home for care, treatment, education, training, development and rehabilitation. The Act provides for Open Shelters for Children in need of community support on short term basis for protecting them from abuse or keeping them away from a life on the streets. The Child Welfare Committee could recognize a facility to be a 'Fit Facility' to temporarily take the responsibility of child. The Specialized Adoption Agency is to take care of the rehabilitation of orphans, abandoned or surrendered children.

Constitutional Guarantees

There are various constitutional guarantees that are meant specifically for children. Some of the prominent ones are mentioned below:

a. Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A)

b. Right to be protected from any hazardous employment till the age of 14 years (Article 24)

c. Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e))

d. Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f))

e. Right to early childhood care and education to all children until they complete the age of six years (Article 45)

Besides, children also have rights as equal citizens of India, just as any other adult male or female:

a. Right to equality (Article 14)

b. Right against discrimination (Article 15)

c. Right to personal liberty and due process of law (Article 21)

d. Right to being protected from being trafficked and forced into bonded labour (Article 23)

e. Right of minorities for protection of their interests (Article 29)

f. Right of weaker sections of the people to be protected from social injus-

tice and all forms of exploitation (Article 46)

g. Right to nutrition and standard of living and improved public health (Article 47)

Background of the Study

As per the order of Supreme court of India, on 5th May 2017 all child care institutions in India (all states except the state of Jammu and Kashmir) to be registered under the Juvenile Justice Act of 2015 after an alarming increase in exploitation of children in some child care institutions. The key person behind the implementation of this Act is Ms. Anjali Sinha who wrote an article in 2007 about sexual abuses faced by children in child care institutions. The court also observed that even in the case of registered child care institutions, many of the statutory facilities and requirements are missing; the living conditions of children in unregistered institutions may be even worse according to the Bench. A Bench comprising Justice Madan B Lokur and Justice Deepak Gupta instructed governments to ensure that the process of registration of all child care institutions is completed before the end of the year 2017 (Ashok, 2017).

As per the statistics of State Manager, Integrated Child Protection Services (ICPS), including orphanages there is 1163 child care institutions in Kerala. The last date for registration was December 31, 2017. But till December 21, 2017, only 369 out of the 1163 child care institutions in Kerala have registered under the Juvenile Justice Act, leaving 794 institutions unregistered (Prasanna, 2017). In all these institutions care for more than 50,000 children is provided. As a consequence of the new rules and not registering, these institutions would be closed down resulting in the waylaying of children as they have nowhere else to go. This may further lead to overcrowding of existing child care centres and the lack of individual attention. This can further lead into denial of the fundamental rights of the children.

Methodology

The study has collected primary data from key informants who are functionaries in Child Care Institutions and authorities of in charge of monitoring Child Care Institutions. Secondary data was elicited from newspaper reports *Educere-BCM Journal of Social Work*

and magazine articles. The researchers interview the District Child Protection Officer, District Coordinator – Childline, and Chairperson, Child Rights Commission. The study focuses on three Child Care institutions in Thiruvananthapuram district.

Sl No:	Name of the Institution	Address	Nature of Beneficiaries	Registration Status
1	Humanitarian Indian Mission (HIM) Children's Home	(HIM) Children's Home, A Ministry of IFGES, Reg. No. 1183, Poochedivila, Pattom.P.O.,	A Children in Need of care and protection (Boys& girls)	Applied for Registration
2	Ananda Nilayam Orphanage and Widow's Home	Ananda Nilayam, Manacaud, Thiruvananthapuram,	Girl Children in Need of care and protection	Not Registered
3	Trivandrum Yatheemkhana	Trivandrum Yatheemkhana, Reg. No. 81/75, Vallakkadavu P.O, Thiruvananthapuram,	Children in Need of care and protection (Boys& girls)	Not aware about Registration

Discussion

1. Review of Newspaper Reports

The various Newspaper Reports were reviewed. Some of the observations are as follows. The Kerala State Muslim Orphanages Old Students Association (KSMOOSA) for orphanage managements during a Workshop in Kozhikode, on July, 2014, opined that the state government's proposed makeover of orphanages through the implementation of Juvenile Justice (Care and Protection of Children) Act (JJ Act) was 'uphill task' for two reasons:

a. A majority of the orphanage managements failed to see any merit with the concept of 'non-institutionalized care' of orphans and destitute children,

which forms the crux of JJ Act.

b. Orphanage managements, except a few, are completely ignorant about the rules and regulations related to functioning of orphanages and protection of children (Lal A.G, 2014).

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) came into effect from 15th January, 2016. As per the directions in Section 41(1) of JJ Act, 2015 all institutions, whether run by the State Government or by voluntary or non-governmental organisations, meant for housing children in need of care and protection, shall, be registered under the Act within a period of six months from the date of commencement of the Act. The primary responsibility of managing the Child Care Institutions (CCIs) lies with the State Governments/UT Administrations.

The State governments/ UT Administrations have to identify and register all Child Care Institutions to ensure that minimum standards of care can be maintained. (Press Information Bureau, 2016).

Minister for Women and Child Development Maneka Gandhi appealed on October 24, 2017, to state adoption bodies to ensure that all orphanages are registered under the Juvenile Justice Act by December 1, 2017. She said according to a survey carried out by the ministry, 4000 out of 9000 child care institutions were not registered under JJ Act 2015, and were deemed to be operating 'illegally'. There were nearly 21,000 girls and 19,000 boys in these unregistered homes, as per the findings cited by her (Press Trust of India, 2017).

Other reports suggest of officials having closed down 554 unregistered homes in Tamil Nadu and identified another 300 to be shut. The children rescued from these institutions have been sent back to their families or shifted to other registered institutions. Official records state that there are 1,113 registered homes for children in Tamil Nadu. Job Zachariah, UNICEF Chief for Tamil Nadu and Kerala, opines that institutionalizing should be the last resort and that children should live in a family environment and there are options such as foster care and financial assistance under the Integrated Child Protection Scheme to encourage this concept (Chandrababu, 2017).

Child care institutions not registered under the Juvenile Justice Act (amendment 2015) face many problems in future. The High Court in its interim order had asked to maintain status quo in the appeal filed by the Asso-

ciation of Orphanages and Charitable Institutions against the JJ Act. But the Supreme Court suo motu ordered on May 5 that all CCIs be brought under the Act before December 31 (Meethal, 2017). It is reported that 504 child care institutions are forced to be shut down, and around 20,000 children's life are at stake. Malayala Manorama (dated 7th February, 2018).

On February 9th 2018, the Supreme Court of India passed some directions for effective implementation of the Juvenile Justice Act. They asked the Centre and States governments to ensure that all positions in National and State Commissions for the protection of child rights to be filled up. They appointed a bench of Justices Madan B Lokur and Deepak Gupta to direct the States to ensure that all positions in Juvenile Justice Boards and Child Welfare Committees to be filled up expeditiously and in accordance with rules. To avoid adverse effect on children they suggest to avoid delay in filling up the positions.. supreme court also requested the Chief Justices of all High Courts to register proceedings on their own for effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015. They ordered all High Courts to seriously consider establishing child-friendly courts and vulnerable witness courts in each district (Press Trust of India, 2018).

Around 1,500 unregistered childcare institutes (CCI) are currently running across India, out of which more than 1,100 are operating in Kerala, according to the National Commission for Protection of Child Rights (NCP-CR). As per NCPCR data, the total number of registered CCIs in India stands at 6,792. Currently, more than 2 lakh children (2,07,291) are living in CCIs, both registered and unregistered. Maharashtra is the second state which has got the most number of unregistered CCIs - 110 followed by Manipur which has 13 CCIs running without registration (Indo-Asian News Service, 2018).

The Kerala Government on April 10, 2018, informed the Supreme Court that there were around 1,165 childcare institutions in the state, out of which 790 were registered and 165 had closed down and 42 such institutions do not wish to continue, while 89 are unregistered. (Press Trust of India, 2018)

Considering these newspaper articles, it is understood that the discussions regarding the registration of child care institutions under the Juvenile Justice Act (amendment, 2015) started earlier from 2014. But the heat of the issue was only felt after strict order from the Supreme Court was issued and the

newspapers discussed the uncertainty of children from those institutions who have not registered under the act. This brings into cynosure the possibility of children being turned away from care and protection.

2. Stakeholders of the Child Care Institutions

The registration of CCIs under JJ Act created many problems. The affected are the people who run the institution, and the children who are the residents in these institutions. The functionaries allege that the Government does not consider the 'pain and the sufferings' nor the 'sacrifices' of these institutions. It was felt that the rules are implemented on a theoretical basis, primarily by those who were unaware of the practical dimensions or ground realities.

The Manager of HIM Children's Home said that now that they have applied for registration, they have to undergo endless inspections by the authorities. Such 'scrutiny' has inculcated some negativity among the dedicated and sincere organisations, as it is perceived as something that questions their commitment. He also said that Government should not implement laws without designing sound strategies to implement it.

The secretary of Ananda Nilayam Orphanage and Widows Home, said that it was very difficult to run these institutions, because of the rules and regulations prescribed by the Government were so complex. The demand for employing personnel and the high expenditure adds weight to this problem. He mentioned that it is not practical in today's scenario given the dearth of proper resources. According to him, the Government is trying to establish a Western model in an Indian context. Children coming from different family backgrounds have different personality traits and it is very difficult to ensure individual attention to all the children. The institutional authorities are apprehensive to even do the slightest of character modification in these children, since the children threaten them by saying that they will inform to the Child-line. Then he said that for abiding the laws they will have to register to Juvenile Justice Act, otherwise they will be forced to close the institution. He also said that there must be controls on the Child Welfare Committee tendency to dump children as part of their procedure. He commented that the State Government should take vital steps to separate among the efficiently functioning institutions and the bad ones.

The administrative officer of Trivandrum Yatheemkhana, claimed to be unaware of the implementation of the Act; he claimed that they had not received any circulars regarding the same. The Yatheemkhana has a well-structured building and modern facilities. Because of that they do not fear the registration procedure; yet they displayed some hesitation to apply for registration.

All the agencies invariably claimed that one of the main issues they face was in handling the female children.

Looking into these responses, the researchers conclude that there was little preparedness in implementing the new amended act; no prior awareness regarding the registration was provided to the Child Care Institutions (CCIs). According to the CCI authorities, the Government officials do not try to understand the practical perspective of implementation of this law. They only considered the theoretical aspects of the Act.

The institutional heads believed that they were few with children with character faults having come from families under distress. Hence the natural correction by way of punishment needed to be abided by in order to aid proper character development of the children. When such 'corrective' measures are taken by the CCIs, the children threaten to file complaints with Childline; the functionaries felt that this was without realizing that these measures are carried out in their better interests. The CCI functionaries strongly felt that this would 'affect the socialization pattern' of a child; they believed that once out of the institution and into the real world, they might find it very difficult to cope with the harsh realities.

The twelfth principle of the Juvenile Justice Act (amendment, 2015), 'principle of institutionalization' states that institutionalization is the last resort. One of the seasoned CCI functionaries felt that institutionalization must be the last resort, and the Government or concerned authorities should take up necessary actions to "de-institutionalize" a child, considering their best interest.

3. Government Officials

Kerala has a comparatively larger number of orphanages than other states and a majority registered under the Orphanage and Other Charitable Home Supervision and Control Act of 1960. This leads to more complications in the

registration procedure than the other states in India.

The Chairperson of Kerala State Commission for Protection of Child Rights opined that why child care institutions refuse to register under the Juvenile Justice Act, might be due to some confusion between the 'mandatory' and 'suggested' rules in the Juvenile Justice Act. She also said that economically backward children, who are institutionalized, can be provided with monthly economic support by the Government. Other children can be accommodated into foster care or kinship foster care, which also offers a much more effective socializing environment to the child. This can reduce the number of children in CCIs and further lead to reduction in number of CCIs. This helps in promoting institutionalization of the most deserving children in supreme need of care and protection and helps to eliminate child beggary and child prostitution.

The District Child Protection Officer, Thiruvananthapuram, opined that children who are institutionalized i.e. those children residing away from their families, lack proper socializing skills. Further these child care institutions do not necessarily ensure proper socialization of children. Children are basically spoon-fed, and are hence unable to understand the functioning of the society. He suggested about the Individual Care Plan for children. According to this an individual care plan will be developed by the concerned agency in consultation with the District Child Protection Unit (DCPU) within a month for each child in institutional care. Once approved by the DCPU, within a fortnight the individual care plan shall be forwarded to the Child Welfare Committee (CWC) or the Juvenile Justice Board (JJB). The concerned agency shall report to the DCPU on the execution of the individual child care plan within six months of the care plan being approved by the CWC/JJB. The individual care plan shall be reviewed every six months.

The Childline District Co-ordinator of Trivandrum, observed that the reasons for non- registration may be:

- a. The CCIs' authorities misunderstanding on the mandatory and suggested rules of the Juvenile Justice Act 2015, although awareness classes were provided to the officials of the institutions regarding the rules of the Juvenile Justice Act, 2015
- b. There was immense resistance and an unwillingness to disclose source

and expenditure of funds

c. Institutions under the control of religious organizations may not want government officials to interfere in their activities; this was based on their fear that the government might portray them as 'corrupt'

d. Institutions attached to educational institutions utilized the children keep the schools running and in order to provide gainful employment of teachers in this institution which indirectly helps in earning more. Such institutions feared strict sanctions from the Government.

According to a member of the Kerala State Selection Committee for Juvenile Justice Boards the various reasons of CCIs for not registering under the JJ Act may be:

a. Fear of stringent and punitive measures from the government on their work

b. Lack of sufficient financial resources

c. Lack of JJ Act standardizations such as infrastructure facilities, number of staff required per strength of children etc.

d. Unawareness regarding the act

The possible solutions to rectify these problems were to bring in a licensing system under Local Self Government level. The authorities at this grass root level should monitor the activities of such institutions at frequent intervals. This can help ensure proper and effective functioning of the institutions. He also said that need based interventions should be brought about which goes along with the changing lifestyles since it will help in meeting the changing demands of children. He advocates for demarcating children who study in homes near schools. It is like a boarding school for the economically backward children and government should demarcate them from the category of orphanages and help in accommodating these children to the school's boarding system. He also mentioned that the government should focus on all the perspectives of implementing this act i.e. the perspective of the children, their family, child care institutions etc.

Former member of Child Welfare Committee said that district level monitoring would be more effective than LSG level monitoring. He observed that institutionalized children face problems such as:

- a. Lack of socialization
- b. Improper human development
- c. Lack of life skills
- d. Non-affectionate life

Rejection is the most painful experience an individual can experience. The children in CCIs face intense rejection at many levels in their life which leads to trust issues and other psychosocial problems. It can even lead to delinquency or anti-social behaviour. So what we need is a “need and right based approach rather than a charity based one”.

Taking in consideration the words of the Government officials, we imbibe that the registration of Child Care Institutions under the Juvenile Justice Act (Amendment, 2015) is necessary to ensure proper functioning of the institution and also that the child’s rights are safeguarded. This registration allows thorough monitoring by the Government in the activities of the institutions which will prevent from all kinds of abuse, exploitation or harm to a child. This order has been strictly implemented to prevent violence against children and also to promote de-institutionalization. Majority of the officials were speaking from the theoretical basis of the issue.

Findings

a. Those few who registered did it out of fear of being “imprisoned” or fined; no proper communication has been given from the part of the authorities.

b. Non-registration was largely because of a lack of understanding between the ‘mandatory’ rules and ‘suggested’ rules.

c. There are many Child Care Institutions which have not been registered under Juvenile Justice Act; a good many of the institutions claimed to be ‘not aware’ about registration, the requirements and the procedure.

d. Authorities who fund and monitor Civil Society Organisation demand standards at par with international conventions. As part of standardization, the new act demands certain minimal facilities.

e. Institutions that have applied for registration are apprehensive of

their capacity to satisfy these standards requirement and are afraid of their applications being rejected leaving their children's life at stake.

f. Civil society organisations that run the orphanages perceive the amendments and various progressive measures undertaken by the social welfare sector as extremely restrictive; on top of that the residents (children) too give them a hard time by way of filing complaints with the Childline

Suggestions

a. So there are many institutions that do not have knowledge about the context and relevance of JJ Act amendment 2015. Hence, the government must initiate an awareness campaign for the civil society organisations.

b. Efforts need to be taken to convince civil society organisations to discriminate between 'mandatory' rules and 'suggested' rules.

c. The government officials and the civil society organisations who run the institutions must conduct interface to understand each other's perspectives, challenges and limitations. A study on the divergent viewpoints could have been taken up which will provide the best possible solution to the issue.

d. Along with the rules and regulations, the government (state or central) should help every institution by providing adequate money and resources for upgrading facilities.

e. There needs to be proper monitoring at various levels – local, panchayath and district – to ensure that the rules and regulations are abided by and the resources are utilized properly.

f. Rules in the JJ Act must be framed by the legislature to specify funding per person as specified previously in the erstwhile Orphanages Board.

g. Considering the 'best interest of a child' orphanages must be the last resort; alternately the civil societies need to consider foster care as a preferred option to children in need of care and protection.

h. It's better to take the 'right-based' approach rather than charity or need- based approach

Conclusion

Through the case study, the researchers were able to understand the divergence in the perspectives of the media, the stakeholders of the child care institutions and the Government officials. One of the major bases for conten-

tion is the confusion between the rules – the ‘mandated’ and ‘suggested’. The view of the Government officials is more technical rather than based on the issues on ground. There should be a ‘VIBGYOR’ approach to considering all the dimensions pertaining to the issue. Each of these dimensions should be carefully understood and a decision can be taken up imbibing from these and taking the CCI functionaries considering the fact that they are the ones who deliver the services to the most vulnerable group - children. The law should be implemented considering the practical dimensions and the Government should ensure necessary measures to overcome further issues on this legislation. This ensures the worth, dignity and protection of every child.

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